

THE  
MONTHLY ANTHOLOGY,

FOR

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MARCH, 1805<sup>ca.</sup>

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TO "PHILO-LAVOISIER."

SIR,

IS there, or is there not, such a thing as *caloric*? Have philosophers told us idle tales, or is there a substance, which pervades all bodies, distances their component parts, and surrounds their minutest corpuscles? Do not all bodies expand and contract, in proportion as the caloric atmospheres of the integral corpuscles increase or diminish? Does not Lavoisier himself, and it seems by your signature that you are a friend to him, acknowledge this a *physical axiom*? If there be such a substance, is it not *caloric*? Where is the space, it does not fill? What body so solid, which it does not pervade? What system, planet, or atom moves without it? What phenomenon does not witness its influence? Does it not warm the cold, illumine the dark, soften the hard, liquify the congealed, animate the inanimate? In light, in sound, in taste, in smell, in touch, do we not feel its vibrations?\*

\* *Vibrations.* This word is perhaps exceptionable. Caloric does not act, unless the compound corpuscles vibrate. But bodies in vibration, vibrate upon their atmospheres. Whether it be correct to say, their atmospheres vibrate

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solution, decomposition, combination, or motion takes place without it? Is it not the *solvent*, in which matter moves, displays all its forms, its beauty, its magnificence, and its force?

Now, let me ask, can the animated fibre contract, unless its integral corpuscles approximate? Can its integral corpuscles approximate, unless they lose *caloric*? Will they not lose caloric by the contact of air, above or below animal temperature? The mercury, in a thermometer, whose surface is moistened with water, contracts in air above animal temperature. Why then should not the animated fibre? If moist surfaces, animate or inanimate, lose *caloric* in an atmosphere, whose pressure is diminished, or temperature increased, how can you explain this phenomenon upon any other principle, than that of *evaporation*? In air of a certain temperature or pressure, moisture must evaporate from all surfaces, that are moist, and it is proved by the thermom-

upon each other, I am not certain. I have thought fit however to use the word, *vibration*; and those who do not like it may substitute the word, *influence*, or some other they like better.

eter, that the moisture cannot evaporate without absorbing *caloric* from the surface, that was moist; and if calorick be evaporated, absorbed, or, in any way, abstracted from a *thermometer* or or an animal, will not *contraction* be produced? All however I contend for, is, that *animated matter* loses *caloric*, when it *first* touches the air; that hence the intercostals contract, the chest is raised, a cavity is formed, and, consequently, air is admitted. Air does not always produce this effect. A denser fluid, as *water*, is sometimes necessary. But of what consequence is it, whether the *caloric* be abstracted by air, water, ice, snow, æther, irritation of the schneiderean membrane, by whipping, or by the contact of any substance, solid, or fluid, which either *abstracts caloric* from the animated fibre, or *checks its vibration*? For it is a law, applicable to animal, vegetable, mineral, and all other substances, that the corpuscles of all bodies approximate, as they lose caloric, and that they lose *caloric*, as they lose their *vibration*. When air does not abstract sufficient *caloric* to produce this contraction of the intercostals, *water* will; but it must not be *warmed*. Warm water will not absorb caloric so fast as *cold* water. The difference of the sensations is a proof of it. Would you sprinkle a person's face with "*warm*" water to excite respiration? Do you open or shut the windows in case of syncope? Is there a *physician*, who would use "*warm*" water to recover a child from a state of asphyxia? Does it agree with principle or practice? Is

there one reason or example to support it? Dash cold water in the face, and the animal inspires. Every old midwife knows this.

You object to the theory of *evaporation*. Do you object to the theory of *abstraction of caloric*? How, I would ask, is the *first* inspiration produced in an atmosphere, that condenses, instead of evaporating? Explain this, and, perhaps, we shall agree about *evaporation*. Heat promotes evaporation. But this is no reason, that, the hotter the air, the better it is for respiration. Cold, likewise, promotes contraction of the intercostals. But would it not be too vague to say, that, the colder the air, the better it is for respiration? *Evaporation* would be promoted in a hot oven, or in a vacuum, and the *intercostals* would contract in an atmosphere, where mercury would congeal; but in such circumstances, the new-born animal could not *live*; though, if its surface were moist enough, the intercostals would contract, and the animal would inspire. It would have *one* gasp at least.

I have, indeed, asserted, that animal heat is dependent on animal action, and animal action upon respiration. You maintain, that animal action is not dependent upon respiration, and "that you would not believe Dr. H. guilty of such absurdity, without better evidence, than" my "assertion." "For how," say you, "could he suppose, that animal action, which commences long before birth, is dependent upon respiration, which commences after birth? or how could he say, that animal action is dependent upon a process, which,



"in some species of animals, is 'never performed at all?' You will please to observe. The Review for August, and those philosophers, whose theories Dr. H. presumed to doubt, maintain, that, at least, *animal heat* is dependent upon respiration. Your objection then is the same against *animal heat*, as against *animal action*. For the animal certainly has *heat* before it is born. You offer an objection against your own theory. I grant there is animal action before birth; but is it not impossible to continue animal action, without respiration, after birth? The embryo, in its chrysalis, or the chick in ovo, cannot, in the common acceptation of the term, be said to breathe. But, after birth, all action ceases, unless respiration commences. Unless animals breathe, they die. The animal in utero is a part of its mother, as the apple is of the tree. One or the other must breathe, or the fœtus dies. But you say, there are "some animals, in whom respiration is 'never performed at all.'" I do not know any animals, who do not breathe, and, if there are such, should be glad to be acquainted with them. When I say this, I do not mean to confine breathing to *air*\*, or any *particular organization*. If I were asked, how the vital action, in any species of animals, was supported; I should answer, by the alternate abstraction of *caloric* from the external and internal surfaces. This abstraction of caloric will, and nothing else can produce the contraction and consequent expansion of the vessels, upon which circulation depends.

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\* Does a fish breathe air or water?

If the contact of air, or water, upon one surface, in any species of animals, will produce this effect, this is what I call *breathing*. Viewing the subject in this light, why is it so absurd to say, that *animal action* depends upon *respiration*? If it be absurd, is it not equally so, to say *animal heat* depends upon *respiration*?

You affirm, that, if the contraction of the diaphragm be its elevation, "it would contract to an elongation." To this it might be answered, that, if the diaphragm contract, while it is distended, it then elongates in contracting. I know very well, that all physiological writers maintain with you, that the contraction of the diaphragm is its depression. I ventured to doubt; but am not unwilling to agree with them and you too upon this subject.

The experiment of sprinkling the face with cold water, you think, is "not so obvious, and invalidates," you say, "the theory of *evaporation*." Pour cold water upon a hot iron, or your own bosom, and is it not obvious, what produces the contraction? Is it not because *caloric* is absorbed by the water from the hot iron or warm bosom? Can you account for contraction upon any other principle? Of what consequence then is it, whether caloric be abstracted by air, or water? Is not the effect the same? Is the principle less true? If animals never breathed, until cold water was thrown in their faces, we should not think it correct to say, that *evaporation* was the cause of inspiration, or first contraction of the intercostals. But, if the intercostals contract merely by contact of



air, we conclude, that air, as well as water abstracts their caloric, and causes inspiration. The principle, upon which the fibre contracts, is the same in both cases. Hence the theory is not invalidated. The mercury contracts when the thermometer is sprinkled with water, or touched by colder air. Why should not the animated fibre?

You ask me, whether, "when I throw myself into cold water, say to the chin, there is not instantly produced a forcible inspiration? and can there," you ask, "be any evaporation from the surface of the body under the water?" I tell you again, I do not say, *evaporation* takes place under water. A thermometer or a man plunged under water do not lose their caloric by *evaporation*. But, if their moist surfaces be exposed to air above animal temperature, how do they lose their caloric then? Is it not

by evaporation? What else can you call it? In the preceding paragraph you assert, that respiration is promoted "by plunging the infant under *warm* water." Heat and cold then produce the same effect? Into what mistakes does *want of principle*, as well as "*wild theories*," lead us.

You tell me, that I have "caught at the word, *emerging*," "with avidity, as a fit subject for my witticisms and arguments," and that all must allow it to be "a subject worthy the talents of *Medicus*." What do you mean by this? Look again, and you will find, that nothing is said about it. The word, had it been noticed, would not have been thought worthy of comment. I have more respect and charity for you, at present, than to think you made this *blunder* on purpose; and believe me, I hate *wit* in all serious investigation of truth.

MEDICUS.

## PAPERS ON DUELLING.

No. 5.

### THE DECREE OF THE STAR-CHAMBER, AGAINST DUELS.

(Continued from Vol. II. p. 62.)

THIS honourable Court, and all the honourable Court this day sitting, upon grave and mature deliberation, pondering the quality of these offences, they generally approved the speech and observations of his majesties said attorney general, and highly commended his great care and good service in bringing a cause of this nature to publick punishment and example, and in professing a constant purpose to go on in the like course with others; letting him know, that he might expect from the Court all concurrence and assistance in so good a work. And thereupon the Court did by their several opinions and sentences declare how much it imported the peace and prosperous

estate of his majesty and his kingdom to nip this practice and offence of *duels* in the head, which now did over-spread and grow universal, even among mean persons, and was not onely entertained in practice and custome, but was framed into a kind of art and precepts; so that according to the saying of the scripture, *Mischief is imagined like a law*. And the Court with one consent did declare their opinions. That by the ancient law of the land, all inceptions, preparations, and combinations to execute unlawful acts, though they never be performed as they be not to be punished capitally except it be in case of treason, and some other particular cases of statute law: so yet they are punishable as misdemeanors and contempts: and that this Court was proper for offences of such nature, especially in this case, where the bravery



and insolency of the times are such as the ordinary magistrates and justices, that are trusted with the preservation of the peace, are not able to master and repress these offences, which were by the Court at large set forth, to be not onely against the law of God, to whom and his substitutes all revenge belongeth, as part of his prerogative, but also against the oath and duty of every subject unto his majesty, for that the subject doth swear unto him by the ancient law, allegiance of life and member, whereby it is plainly inferred that the subject hath no disposing power over himself of life and member to be spent or ventured according to his own passions and fancies, in so much as the very practice of chivalry in jousts and tournayes, which are but images of martial actions appear by ancient presidents not to be lawful without the kings licence obtained. The Court also noted, that these private *duels* or combats were of another nature from the combats which have been allowed by the law as well of this land as of other nations, for the tryal of rights or appeals. For that those combats receive direction and authority from the law, whereas those contrariwise spring only from the unbridled humours of private men. And as for the pretence of honor, the Court much disliking the confusion of degrees which is grown of late (every man assuming unto himself the term and attribute of honor) did utterly reject and condemn the opinion that the private *duel*, in any person whatsoever, had any groundes of honor, as well because nothing can be honourable that is not lawful, and that it is no magnanimity or greatness of mind, but a swelling and tumor of the mind, where there faileth a right and sound judgement; as also for that it was rather justly to be esteemed a weakness and a conscience of small value in a mans self to be dejected, so with a word or trifling disgrace, as to think there is no recure of it, but by the hazard of life: whereas true honour in persons that know their own worth is not of any such brittle substance, but of a more strong composition. And finally, the Court shewing a firm and settled resolution to proceed with all severity against these *duels* gave warning to all young noble men and gentlemen, that they should not expect the like con-

venge or tolleration as formerly have been, but that justice should have a full passage without protection or interruption. Adding, that after a strait inhibition, whosoever should attempt a challenge or combat, in case where the other party was restrained to answer him, (as now all good subjects are) did by their own principles receive the dishonour and disgrace upon himself, and for the present cause, the Court hath ordered, adjudged, and decreed, that the said *William Priest* and *Richard Wright*, be committed to the prison of the *Fleet*, and the said *Priest* to pay five hundred pounds, and the said *Wright* five hundred marks to their several fines to his majesties use. And to the end that some more publique example may be made hereof amongst his majesties people, the Court hath further ordered and decreed, that the said *Priest* and *Wright* shall at the next assizes to be holden in the county of *Surrey* publicquely in face of the Court, the judges sitting, acknowledge their high contempt and offence against God, his majesty, and his laws, and shew themselves penitent for the same. Moreover the wisdom of this high and honourable Court thought it meet and necessary that all sorts of his majesties subjects should understand and take notice of that which hath been said and handled this day touching this matter, as well by his highness attorney general, as by the lords, judges, touching the law in such cases. And therefore the Court hath enjoyned master attorney to have special care to the penning of this decree, for the setting forth in the same summarily the matters and reasons, which have been opened and delivered by the Court touching the same, and nevertheless also at some time convenient to publish the particulars of his speech and declaration, as very meet and worthy to be remembered, and made known to the world, as these times are: and this decree, being in such sort carefully drawn and penned, the whole Court thought it mete, and so have ordered and decreed, that the same be not onely read and published at the next assizes for *Surrey* at such time as the said *Priest* and *Wright* are to acknowledge their offences as aforesaid; but that the same be likewise published and made known in all shires of this kingdom.



And to that end the justices of assize are required by this honourable Court to cause this decree to be solemnly read and published in all the placings and sittings of their several circuits, and in the greatest assembly, to the end, that all his majesties subjects may take knowledge and understand the opinion of this honourable Court in this case, and in what measure, his majesty, and this honourable Court, purposeth to punish such as shall fall into the like contempt and

offences hereafter. Lastly this honourable Court much approving that which the right honourable Sir *Edward Coke* knight, lord chief justice of *England* did now deliver touching the law in this case of *duels*, hath enjoined his lordship to report the same in print, as he hath formerly done diverse other cases, that such as understand not the law in that behalf, and all others may better direct themselves and prevent the danger thereof hereafter.

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THE LITERARY WANDERER.

No. 2.

..... *Two Genii stood,  
Still as the web of being was drawn forth,  
Sprinkling their powerful drops. From ebon  
urn  
The one unsparing dashed the bitter wave  
Of woe; and, as he dashed, his dark-brown  
brow  
Relaxed to a hard smile. The milder form  
Shed less profusely there his lesser store;  
Sometimes with tears increasing the scant boon,  
Mourning the lot of man.* R. S.

WHAT more embitters existence, than the anguish of disappointment? A considerable portion of pain or pleasure accompanies the anticipation of misfortune or felicity; and these eventually operate less forcibly, because the eagerness of expectation renders them familiar to the mind; but disappointed hope is always affliction, and sometimes insupportable.

It would be superfluous to adduce a multiplicity of arguments, to prove the unhappy influence of a calamity, which all are doomed to encounter; for who has experienced uninterrupted prosperity; who has sailed down the stream of life without meeting unexpected obstructions? In the vernal period of our existence we enjoy a continued exhibition of novelties, a participation of innocent amusements. The morning breeze wel-

comes us to bliss, and the mild radiance of evening reluctantly bids us adieu. Elate with hope and juvenile ardour, we commence the journey of life. The pictured fields of prosperity and preferment gleam before us in their morning splendour. Distant prospects brighten with increasing lustre and beauty. Anticipation paints in brilliant colours the evening of our course; but no sooner have we overpast the fairy land of youth, than the delusion dies, and obstacles insurmountable intercept our passage.

Youth comes with smiling face and  
beauteous mien;  
Pleasures, enjoyments, life's endearments  
sweet  
Sport in her train, and promise endless  
bliss.  
The scene soon changes; soon the peaceful  
hours,  
Which fond imagination once foretold,  
Are changed to cares, to sorrows, and  
vexations.

With advancing years we imperceptibly advance with them into the dreary wilderness of the world. All is dark. What we once considered the offspring of causeless inquietude, sudden exclamations of misery, which are soon heard no more, we ultimately experience in bitterness of heart.



The hand, which we fondly anticipated would continue the munificent dispenser of comforts, either reposes in the grave's cold quiet, or, what is still more afflictive, is metamorphosed into ice ; and the eye, which once beamed with heavenly benevolence, beams on us no longer. Such is the melancholy declaration of the unhappy, who are too often accustomed to magnify inconsiderable misfortunes, and to extenuate or not acknowledge the numerous positive pleasures of life. We all know, that infelicity is incident to humanity, and that every situation has its peculiar disquietudes ; but we also discover, that existence is diversified with pleasures and pains, joys and sorrows ; and that the happiest are not allowed to ramble the bright fields of continual prosperity, nor the unfortunate doomed forever to roam the dark, unlovely region of adversity.

A return of a traveller to his native country seldom produces that unmixed satisfaction, which imagination officiously promised. Diversity of pursuit, extensive intercourse with mankind, and the imperceptible hand of time obliterate juvenile impressions, and cause inconceivable changes in the human character. Viator laments his long absence from the companions of his youth ; imagines their former attachment unchanged ; and is assured they will receive him with the cordiality of friendship, and the ardour of congenial affection. He arrives ; what frustration of hope ! Most of his youthful acquaintance, to whom he was united by the tender endearments of friendship,

have paid the mournful debt of nature, and the remainder, " estranged in heart," with difficulty recognize their former intimacy, and, " beholding him with quick-averted glance, pass on the other side." The frigid indifference of their countenances, and the insignificant formality of their behaviour evince the pleasing picture, which fancy had painted in such attractive colours, to be nothing more than a short-lived delusion.

Having ventured his all on the ocean of uncertainty, Mercator anticipates a return of such abundance, as will enable him to relinquish the fervility of trade, retire to some sequestered country seat, and pass the residue of life in affluence, ease, and contentment. The same wind, which was to bestow complete happiness, disconcerts his schemes of enjoyment, and drives him into a state of destitution.

Persons who indulge an inordinate desire of attaining some future advantage, are frequently too ardent and positive to entertain a possibility of failure ; and by this means the pain of defeated expectation becomes doubly embittered. But hope, unaccompanied with exertion is productive of misery, since those, who implicitly obey the deceptive intimations of indolence, usually experience the bitterness of disappointment. Such indiscretion is not uncommon, and our best-contrived schemes are likewise liable to prove abortive. Though disappointments occasion temporary unhappiness, yet experience demonstrates their frequent subserviency to our best interests. Our contracted comprehensions are in-



capable of determining; what in the end will prove beneficial or injurious; since apparent misfortunes are frequently harbingers of approaching prosperity.

As nothing is more unpleasant, than perpetual uniformity, and as vicissitude affords numerous intellectual gratifications, occasional disappointments discover the value of prosperity, as well as manifest the instability of temporal enjoyments, and repress the confidence of unbounded expectation. They withdraw us from too eager a pursuit of acquisitions, which are evanescent and precarious; and direct us to a contemplation of those things, "which neither wax old, nor fade away."

Resolute resistance of adversity, superiority to adventitious calamities, and equanimity of mind in every situation of life are virtues, which secure their possessors from numberless perplexities, and sweeten the delights of life. Reliance on Providence best serves to dissipate those clouds of despondency,

which sometimes darken around us. We should participate with gratitude the bounties of heaven, and endure with resignation, fortitude, and composure its adverse dispensations; confident that our kind Benefactor allots every incident of our lives for our improvement in virtue. Though the star of hope sometimes sink from the despairing traveller's view, still its lovely beams will rise with renovated splendour, and guide him on his lonely way; though ills press on ills, and disappointments pursue him through this vale of tears, still there is another, there is a "better world."

"And happy they, who in this holy faith

"Bow meekly to the rod! A little while

"Shall they endure the proud man's contumely,

"The hard wrongs of the great. A little while

"Though shelterless they feel the wintry wind,

"The wind shall whistle o'er their turf-grown grave,

"And all beneath be peace."

O.

## BIOGRAPHIA AMERICANA;

OR MEMOIRS OF PROFESSIONAL, LEARNED, OR DISTINGUISHED CHARACTERS IN THE UNITED STATES. *Continued from Vol. I. p. 642.*

✍ Communications for this article will be extremely acceptable to the Editor.

### 7. DAVID TAPPAN, D.D. A.A.S.

HOLLIS PROFESSOR OF DIVINITY IN HARVARD COLLEGE.

Rev. Dr. Tappan was born in Manchester, in the county of Essex, April 21, 1753. His father was Rev. Benjamin Tappan, the much respected minister of that town.

At a suitable age he was placed at Dummer Academy, under the care of the late Mr. Samuel Moody, a preceptor distinguished

for his love of the ancient classics; his discernment of the characters of his pupils, and skill and success in conducting the early education of some of the first men in our country.—Here he discovered abilities and disposition which endeared him to his master, and indicated his subsequent eminence.

At the age of fourteen he was admitted into Harvard College; where, young as he was, he was remarked for his religious serious-



ness, his literary diligence and improvement, and his irreproachable morals. Having received the honours of the university, he occasionally taught a school; but was principally employed in theological studies with a view to the profession, to which his thoughts had been directed from earliest youth. He commenced preaching in August, 1773, and was ordained over the 3d church of Newbury, in April following:—Here in the exemplary discharge of the pastoral office, among a kind and respectful people, he spent eighteen years. During the whole of this period, he devoted a great portion of his time to study; composed his stated sermons with much pains and accuracy; and increased in professional gifts and qualifications, in usefulness and fame. In the year 1792 he preached the election sermon; which was received with high approbation, and contributed to extend the knowledge of his character and talent.

The office of professor of divinity in the college having been vacated by the resignation of Dr. Wigglesworth, on account of his infirmity, Mr. Tappan was chosen his successor. After a period of anxious and devout deliberation, with much diffidence and concern, he accepted the place. It opened a larger sphere for his industrious benevolence, he therefore regarded it as a station assigned to him by Divine Providence. The painful separation between him and his people having taken place, he was inaugurated into the office of Hollis professor of divinity in Feb. 1793. Entering upon the duties of this situation, with

a deep sense of their importance, he discharged them with unabating zeal, fidelity, and diligence, and with a success, which fully answered the expectations of his friends and of the publick. Dr. Tappan possessed much activity and vigour of mind; fertility of invention and force of imagination. He had a facility in fixing his attention, and discriminating and arranging his thoughts. His head was clear, and his apprehension quick. His readiness of conception, and command of language, enabled him, both in speaking and writing, to express what he thought and felt, with propriety, perspicuity, and force. His love of knowledge was ardent, and his abilities sufficient for acquiring every species of literature, necessary to adorn the station which he filled.

As a moral and religious being, Dr. Tappan appeared with distinguished lustre. His religion was at once the strong conviction of his understanding, the warm sentiment of his heart, the prevailing bias of his soul, and the steady tenour of his life.

His faith operated in solicitude for every part of virtuous and holy practice, and his love of God in the love of man. In the exercise of piety and goodness many of the tendencies of his natural temper united with religious principles and moral culture. He possessed an original sensibility, which fitted him for entering into the raptures of devotion, and feeling all the fervour of godly zeal. His nature disposed him to cheerfulness and hope, to affection and sympathy, to tenderness and love. Kind affections lighted up his countenance, gave a glow to his



conversation, and a cheerfulness to his active benevolence. Next to religion, and a good conscience, peace and union were dear and sacred to his heart. He was studious to please; cautious of offending; slow to be offended. So easy and obliging was his nature, that it would have cost him an effort to refuse even an improper request. He was ready to give up his opinions and rights, where discretion or duty appeared to require it, in condescension to the weaknesses, and in accommodation to the prejudices of others. Yet he had sufficient courage and constancy, to make a stand, in cases where he thought it proper and necessary: Although disdaining to be neutral upon interesting questions in religion or politics, and utterly incapable of the least indifference about moral distinctions; yet he was candid towards such as differed from him in sentiment; a mild interpreter of the actions, and an equitable judge of the characters of his fellowmen. His understanding was too much enlarged to allow his charity to be confined. He knew too much of the constitution of the human mind, and the causes of a diversity of opinions; he had too much regard to the rights of private judgment, and the uses of free inquiry; he was too wise, too modest, and too just, to indulge in himself, or to encourage in others, a dogmatical, intolerant spirit. To benevolence and candour, sincerity in speech, and uprightness in conduct, he joined the careful cultivation and practice of the personal virtues: knowing that the good servant of God and good friend of man must be master of himself.

He was humble, meek, and modest. He was superiour to low cares and little gratifications, to all fretful and anxious thoughts about his temporal affairs, and vanity of external appearance. He valued honest fame; not as a distinction, which gratified his ambition, but as a means, by which his talents might be rendered more useful. He had a command over his indolent propensities, his animal appetites, and angry passions: and submitted to the inconveniences and evils of life with patience and resignation.

In the intercourse of private life such a man could not but engage esteem and love. As a son, a husband, a parent, a brother, and a friend, he was most dear and valuable. In conversation he was instructive and entertaining; but not chargeable with haste and profusion of words. Fond of gaiety and wit; but watchful against improper levity. His deportment and speech bespoke an unsuspicious simplicity of heart, a dignified sense of propriety, and a deep conviction of religious and moral obligation. So far was he from erecting himself into a dictator in society, that he generally avoided disputation, and maintained his opinion in the character of an inquirer, and not of a combatant. In the written controversies in which he was engaged, he joined fairness with good temper, to acuteness and address.

In the publick relations which he sustained Dr. Tappan aimed to act up to the highest standard. In the offices of a christian pastor he was discreet, devout, laborious, and conscientious. His devotional addresses in publick and in pri-



vate, were solemn and affectionate. His sermons were the result of close thought and study. He dwelt frequently on what he deemed the peculiar doctrines of revelation; but ever sought to represent them as instruments of moral goodness; and to unite the warmth of exhortation with the light of argument. He had the eloquence of a man actuated by solicitude for souls, and intent on convincing and persuading those whom he addressed. If his style was diffuse, it was correct and perspicuous—and possessed animation and glow; and his metaphors were well chosen and applied. In delivering his sermons, a consciousness of the importance of his subjects to his hearers elevated his feelings, and animated his expressions, and secured to him the most interesting attention. His funeral sermons were remarkably appropriate; and his discourses at ordinations were composed and pronounced with great energy and pathos.

In the office of professor of divinity he exhibited a bright assemblage of the qualifications required by the situation. He entered into the young mind, and had a just comprehension of its movements. Not expecting youth to overlook their pleasure in their desire of improvement, he aimed, in his treatment of the several subjects of natural and revealed religion, in his public lectures, to be full, clear, and exact, and at the same time entertaining; to be at once didactic and persuasive, profound and pleasing. He sought to fortify his disciples against the errors and vices of the times, to put them on their guard against

the extravagant conceits of skeptical philosophy, and the pernicious tenets of libertine writers, and to bring them so acquainted with the foundation and principles of evangelical truth, that one class might be qualified to maintain their own faith, unperturbed by the artifices of infidelity; and the other be able, in the character of religious teachers, with skill and success, to defend and to dispense the word of God. He was always easy of access to his pupils, and delighted with every opportunity to assist and advise them. Young clergymen resorted to him with confidence, as to a sympathizing friend and a prudent counsellor.

As one of the executive government of the college, he discharged that trust with great mildness and firmness. Whilst desirous to conciliate the good will of the students, he was uniformly faithful to his colleagues, and supported the discipline of the university with steadiness.

As a citizen, whilst loyal and submissive to legal authority, he neither possessed nor affected an indifference about the political course of affairs; but espoused the principles of those men whom he considered patriots, associated for honest purposes, and addressing themselves to the reason and interests, and not the prejudices and passions of the people. In conformity to such principles he vindicated the rights, he unfolded the dangers, and inculcated the duties of his country, without entering into the violence of party-spirit, or departing, in any degree, from the decorum of his profession, the dignity of his station, or the charitable spirit of his relig-



ion. Considered as a minister, a professor, a christian, a man, and a patriot, Dr. Tappan occupies a high rank among those, who have been ornaments of human nature, and benefactors of mankind.

His publications are numerous and useful, and many of them worthy of a new edition. It is to be hoped, that a selection from his sermons and lectures will be printed, that the publick may derive that benefit from his labours, which accrued to his immediate pupils and occasional hearers.

In consequence of a feeble constitution, and severe application, Dr Tappan's health was always delicate, and often interrupted. On the first Lord's-day in August, 1803, having officiated both parts of the day, and administered the Lord's Supper, in Brattle-street church, he was much exhausted; and on his return home, found himself quite indisposed. His disorder increased to a fever, which exhibited alarming appearances: These appearances, however, afterwards gave way to more hopeful symptoms, and for several days he was thought to be recovering, until about thirty hours before his death, when a change was observed, which soon indicated speedy dissolution. He received the intel-

ligence of the desperate nature of his case with surprize, but steadiness. During the following day, and part of the night, he had the exercise of his faculties, and manifested those views and dispositions, which became a dying christian. He declared his "hope, founded on what he considered the evidences of a christian temper in himself, the atonement of the Saviour, and the infinite mercy of God." He expired on Saturday morning, the 27th August.—A wife, and four children, and aged mother, brothers and other relatives, lament the loss of a guardian, a monitor, and a friend, one who felt the bonds of kindred, and fought the happiness of all with whom he was connected. His funeral was attended on the following Monday with every proper mark of respect. Dr. Lathrop, the oldest minister of the Corporation present, made a solemn and affectionate prayer, and Mr. Holmes did great justice to the melancholy subject in a sermon from Acts xi. 24—"For he was a good man." The excellent musick performed by the students, accorded with the mournful occasion. On commencement day, such notice was taken of the event, as consisted with the duties of the day.—*Col. Cent. Vol. 40. No. 2033.*

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THE BOTANIST.

No. 8.

SUCH was the unsettled state of botanical method, when *Conrad Gesner* of Switzerland turned his eye to the *flower* and *fruit*, and suggested the *first idea* of a systematick arrangement. It was in 1560 that Gesner proposed to the world his idea of an arrangement from the parts of the flower and

fruit. No plan however was established by Gesner upon this principle; he merely suggested the idea;—but the application of it was made, twenty years after, by *Cesalpinus*, a physician and professor of botany at Padua, who thus favoured the world with the *first system* of botany; which



occurrence marks the second grand æra in the history of this science.

It might have been expected, that a method, founded like that of Cæsalpinus upon genuine scientific principles, would have been immediately adopted by the learned, and, in establishing itself, have totally extirpated those insufficient characters, which during so many ages had disgraced the science. The fact however is, that this system of Cæsalpinus perished almost as soon as it had existence; for with this learned physician died his plan of arrangement; and it was not till nearly a century after, that Dr. Robert Morison of Aberdeen, attaching himself to the principles of Gesner and Cæsalpinus, re-established their scientific arrangement upon a solid foundation; and from being only the restorer of a system has been generally celebrated as its founder.

Imperfect as is the mode of distribution by Morison, it has furnished many useful hints to Ray, Tournefort, and Linnæus, those great luminaries of the science, who were not ashamed to acknowledge the obligation.\*

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\* We mentioned in our last number Dr. William Turner, an English physician of singular learning, who had the honour of publishing the first botanical work in the English language. There is a copy of this curious book in the library of the university at Cambridge, bearing this title, *A new Herbal, wherein the names of herbes in Greke, Latin, Englysh, Dutch, Frenche, and in the Potecaries and Herbaries Latin, with the properties, degrees and natural places of the same, gathered and made by William Turner Physician unto the Duke of Somersettes Grace.* Imprinted at London, anno 1551.

There are but few books in the English language, printed 250 years ago,

Ray proposed his method to the world in 1682. It originally consisted of twenty-five classes, two of which respect trees and shrubs, and the remaining twenty-three herbaceous plants. The distinction into herbs and trees, with which Ray's method sets out, acknowledges a different, though not more certain principle, than that of Cæsalpinus and Morison. The former, in making this distinction, had an eye with the ancients to the duration of the stem; the latter to its consistence. Ray has called in the buds as an auxiliary, and denominates trees, all such plants as bear buds; herbs, such as bear no buds. The objection, which lies against Linnæus's distinction into shrubs and trees, from the same principle, may be still more powerfully urged in the present case: for though all herbaceous plants rise without buds, all trees are not furnished with them; many of the largest trees in warm climates, and some shrubby plants in every country, being totally devoid of that scaly appearance, which constitutes the essence of a bud.

Ray allots one division to submarine plants, or such as grow at the bottom of the sea, or upon

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executed with more elegance, both as it regards the numerous figures of plants, as well as the type. There were but one or two botanical books, containing figures of plants, prior to this, in Europe; yet most of Turner's wooden stamps are so well done, that the herbariser would know the plant at first glance.

'Tis pleasant to compare these first efforts of the graphick art with the splendid performances of Miller and Thornton in London, and those of the FLORA BATAVA, executed under the direction of Messrs. Sepps and Kops, at Amsterdam.



rocks that are surrounded by that element. They are either of a hard stony nature, as the plants termed *lithophyta*, of a substance resembling horn, as the *corallines*, or of a softer herbaceous texture, as the *fuci*, *spunges*, and *sea-mosses*. It is curious, that the *corallines* have successively passed thro' each of the three kingdoms of nature. Some have classed them with the *mineral* kingdom; the greater part have arranged them with *vegetables*; but naturalists have now demonstrated, that they belong to the *animal* kingdom. The animality of this singular tribe of natural bodies was hinted at by *Imperati*, an Italian, in the year 1599, and afterwards by *Peyssonel* in 1727; but it is to M. *Bernard Jussieu*, a French academician, and Mr. *Ellis* of London, that we owe decisive facts and a regular detail demonstrating, that corallines are ramified animals. Mr. Ellis has, in his natural history of corallines, parcelled them out into their several genera, by means of fixed and invariable characters obvious in their appearance.

Ray's general history of plants contains *eighteen thousand six hundred and fifty-five* species and varieties. His method was followed by *Sir Hans Sloane*, in his natural history of Jamaica; by *Petiver*, in his British herbal; by *Dillenius*, in his synopsis of British plants; and by *Martyn*, in his catalogue of plants that grow in the neighbourhood of Cambridge.

*Dr. Herman*, professor of botany at Leyden, was the first who introduced into Holland a genuine systematick arrangement of plants from the part of fructification. *Morison's* method had

been left incomplete; and Ray's, though perfect from its first appearance, did not all at once attract the attention of the learned, and was indeed for many years studied chiefly in England, the native country of its author. Ray laboured under some disadvantages; he was not a physician, but a divine. The defects of Ray's original method, and its *impracticability*, did not elude the observation of *Dr. Herman*. He had applied himself with unremitting ardour from his earliest years to the study of plants, had examined with attention every plan of arrangement, and had actually undertaken a long and perilous expedition into India, with the sole view of promoting his favourite science. Herman exhibited such marks of unwearied diligence, that he alone, it is said, reared twice as many plants in the garden at Leyden, as had been introduced by all his predecessors, *Bontius*, *Clutius*, *Pavius*, *Clusius*, *Vortius*, *Schuylius*, and *Syenus*, put together, in the long space of a hundred and fifty years. Such a man merited the applause of the publick, and attained it.

*Dr. Herman's* method consists of twenty-five classes, which are founded upon the size and duration of plants; the presence or absence of the petals and calyx; the number of capsules, cells, and naked seeds; the substance of the leaves and fruit; the form and consistence of the roots; the situation and disposition of the flowers, leaves, and calyx, and figure of the fruit. The method proposed by Herman excels all, which preceded it, in the uniformity of its classical characters.



The famous *Boerhaave*, the glory of the medical art, was appointed professor of botany at Leyden in 1709. His method was a mixture of Ray's, Herman's, and Tournefort's. The submarine and imperfect plants, which find no place in the system of Herman, are borrowed by Boerhaave from Ray. Boerhaave's classes are thirty-four in number, and subdivide themselves into an hundred and four sections, which have for their characters the figure of the leaves, stem, calyx, petals, and seeds; the number of petals, seeds, and capsules; the substance of the leaves; the situation of the flowers, and their difference in point of sex. By this method Boerhaave arranged nearly six thousand plants, the produce of the botanical garden at Leyden, which he carefully superintended for the space of twenty years, and left to his successor Dr. Andrien Royen in a much more flourishing state, than he had himself received it.

Botanical writers were disposed to walk in the track of their predecessors. Few had sufficient courage to venture upon an unbeaten path. Morison followed Cæsalpinus; Ray improved upon Morison; Knaut abridged Ray; Herman formed himself partly on Morison, and partly on Ray; and Boerhaave makes Herman his guide. *Rivinus*, a professor of physick and botany at Leipzig, was the first, who in 1690, relinquishing the pursuit of affinities, and convinced of the insufficiency of the fruit, set about a method, which should atone by its facility for the want of numerous relations and natural families. A

method purely *artificial* appeared to Rivinus the best adapted for the purpose of vegetable arrangement. It rests upon the equality and number of the petals; a system no less admired for its simplicity, than for the regularity and uniformity of its plan.

The method of *Knaut*, *Ludwig*, *Pontedra*, and *Magnolius*, will be presented in our next number in the form of a table, together with several others from Cæsalpinus to Linnæus.

The celebrity of *Tournefort* requires that we should dwell a little on his history and character. *Joseph Pitton de Tournefort* was born at Aix la Provence in 1656. He was educated in the Jesuits' college in Aix, and like the great Boerhaave intended for a divine, but like that great man, quitted divinity for physick. In early life he was nearly as fond of anatomy and chemistry, as of botany. In 1679 he went to Montpellier, where he perfected himself in anatomy and physick. The botanick garden, established in that city by Henry IV., rich as it was, could not satisfy his unbounded curiosity. He ransacked all the tracts of ground within more than ten leagues of Montpellier. Then he explored the Pyrenean mountains, the Alps, and returned, examined the vegetables in Provence, Languedoc, Dauphiné, and Catalonia. He travelled through Spain and Portugal. He took his degree of doctor in physick in 1698, when he published his *History of the plants, which grow about Paris, together with an account of their use in medicine*.

In the year 1700 Dr. Tournefort received an order from the



king to travel into Greece, Asia, and Africa, not only to discover plants, but to make observations on natural history in general, upon ancient and modern geography, and even upon the customs, religion, and commerce of the people. From this grand tour he brought home *one thousand three hundred and sixty-six* NEW species of plants, most of which ranged themselves under one or other of the six hundred seventy-three genera he had already established, and for all the rest he had only twenty-five genera to create, without being obliged to augment the number of classes. A circumstance, which sufficiently proves the advantage of a system, to which so many foreign and unexpected plants were easily reducible. When Tournefort returned to Paris he thought of resuming the practice of physick, which he had sacrificed to his botanick expedition; but experience shews us, says his biographer, *see Hist. de l'Acad. des Sciences. An. 1708*, that, in every thing depending on the taste of the publick, especially affairs of this nature, delays are dangerous. Dr. Tournefort found it difficult to resume his practice. He was at the same time professor of physick; the functions of the academy employed some of his time; the arrangement of his memoirs still more of it. This

multiplicity of business affected his health, and, when in this uncomfortable state, he accidentally received a blow on his breast, which in a few months put an end to his active, useful, and honourable life, which happened in Dec. 1708.

The system of Tournefort is too extensive and intricate to allow us to give even an analysis of it. We shall exhibit a mere outline of his method, in a tabular form, in our next number; and shall only observe here, that Tournefort surpassed all his predecessors in supplying a clue to the immense labyrinth, which the vegetable kingdom exhibited to the astonished botanist. He gave the first complete regular arrangement, and cleared the way for one still greater than himself. For in 1735\* rose the sun of the botanick world, LINNÆUS, of whom we have already spoken, and to whom we shall frequently advert, as the source of light and intelligence.†

\* The first sketch of Linnaeus's system was published in 1735, the last edition of the *Systema Vegetabilium* in 1784; the *Critica Botanica* was published in 1737; the first edition of the *Genera Plantarum* the same year, and the last in 1764; the first edition of the *Species Plantarum* in 1753, the second in 1762 and 1763.

† We have compiled this history of botany from the writings of Linnaeus, from the history of the French Acad. of Sciences, from Miln, and J. J. Rousseau.

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SYLVA.

No. 1.

*Illic purpureis testis rosarii  
Omnis fragrat humus, calthaque pinguis  
Et molles violas et tenues crocos  
Fundit fonticulis uda fugacibus.....*PRUDENTIUS.

IRONY is a difficult rhetorical figure. It is seldom well supported through a long regular

course. Burke, whose mind was excursive as light, and whose judgment was as mature, as his



fancy was prolifick, has shown himself unequal to the composition of an ironical essay. He is known to have failed in his short treatise on natural society, though he was politely flattered in its being ascribed to lord Bolingbroke. I believe no one now reads it, except from mere curiosity ; regret, that Burke should have been the author, follows the perusal, and we are forced again to recollect the inequality of intellectual powers, evidenced in Euripides, Tully, and Burke.

I KNOW not why smoking a social segar should be severely blamed. *Valet auctoritas doctissimorum hominum.* Raleigh, Barrow, T. Warton, and Parr have sanctioned the use of tobacco, and the grave Dr. Johnson had a high opinion of its sedative qualities. It soothes the labours of the Lapland woodcutter, and relaxes the angry passions of the Turkish bashaw. An Hindoo loves the pleasant fumes of his cheroot after his religious bathing in the Ganges, and *mi Caballero Castellano* thinks that day a poor portion of a wretched existence, in which he has not enjoyed his segar and *siesta*. Against the theological metaphor of king James, the dissertation of shilli-shalli Rush, and the pleasant lecture of the theoretical Waterhouse, I confidently oppose the similar practice of widely distant nations, and the authority of wit, virtue, and erudition.

NOTHING can excuse the want of rectitude. No situation in private life and no political dilemma can justify a departure from

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moral principle. Virtue and happiness are inseparably connected ; they are like the heat and the light of the sun, always warming, enlightening, and invigorating the habitations of man. If you can lay down in your bed each night, and according to the advice of Pythagoras review the transactions of the day, and find that your heart has been honest and pure, where is the man under the canopy of the sky, with whom you would change situation ? There is none. Rejoice then and be glad. Happiness is always in your power, because you can always be virtuous.

If you wish to form your son, or daughter, to gracefulness and virtue, let them read the Spectator and the Rambler, in which they will also discover some good poetry and much genuine criticism.

EVERY art and science has a peculiar phraseology. The lawyer talks of *avowries*, *formedons*, *demurrers*, and *certioraris* ; a chemist of *muriate of soda*, *oxygenous gas*, *septon*, and *hydrogene* ; the metaphysician astonishes us with *occult forms*, *entities*, and *realities*, *essence* and *identity* ; whilst the grave geometrician talks soberly of *trapeziums*, *asymptotes* and *parallelopipedons*. My logical tutor puzzled me and himself also in *barbaras*, *fapesmos*, *concretes*, and *negatives pregnant* ; the next day I had to learn from the professor of anatomy the uses and properties of what he called *aorta*, *ganglion*, *diaphragm*, *duodenum*, and *os hyoides* ; and the merchant should not smile at professional pedantry, for who invented *bot-*



*tomries, agios, usances, and hypothecations?*

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GLUTTONY is loathsome and immoral; perhaps epicurism is not. But excessive attention to the palate is certainly dangerous; it leads to many vices, it may occasion various disorders; and surely it is rash, unskilful, and hazardous to approach the confines of vice. Who will venture to the edge of a precipice of tremendous depth? Who can ascertain the nearest circle of safe approximation to an irresistible whirlpool? Fly then from the pleasures of the table; give no ear to the charm of the epicure, charming ever so sweetly; turn from the road, that leads to the house of feasting and drinking, for the wild storm is over your head, and the earthquake is bursting beneath you.

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SHENSTONE'S short observations on men and manners discover a mind not unacquainted with the world. There is in them much good sense arising from experience, the mother of all useful knowledge; and it is conveyed in so easy, unembarrassed a style, that one might think, that he was never in debt. The Rev. Mr. Graves of Claverion, who knew him well, used to say, that Johnson's notion of Shenstone's continual embarrassment from sheriffs and writs was not true; and as that venerable pedestrian is now dead, we perhaps may anticipate some new and interesting notices from his papers respecting the poetick gardener of the Leafowes. According to Smith, to be out of debt is one of the three essentials

of human happiness, but from the general opinion that prevails respecting Shenstone, I am afraid that he seldom experienced this great and enviable blessing. From the epithet "*irritabile*," which Horace applies to the "*genus vatum*," I should suspect, that the Roman bards were often harassed by their creditors; and they were probably not of a very different temper from their modern brethren, who, like Butler, Otway, Shenstone, and Goldsmith, were eminent for poverty, peevishness, and debt.

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RELIGION is the only balm for a wounded spirit. It is the only sure staff for the weary traveller through this wilderness of misery and sin. What an inexpressible grace does it throw over the countenance and actions of its sincere votaries? It purifies, it adorns, it ennobles our nature. By it we are lifted far above the little considerations of an existence, short as the winter twilight, and unimportant as the faint vision of a distant star. We are led by its influence to contemplate "the first good, first perfect, and first fair"; and as without the aid of a telescope the shipwrecked sailor could never discern in the far-off horizon the vessel that is to bring him relief, but might abandon himself to despair; so without religion, man's views would be confined to a narrow circle of melancholy incidents and thoughts; and he might resign his mind to the dreadful idea, that the earth was his only home, and that death was an eternal sleep. But now he soars in certainty to other worlds of endless duration,



where he shall join his parents and his friends in the presence of a common God.

I know not if the commentators have well explained, "*Nutbook ! Nutbook ! you lie.*" 2d part of Henry 4th, in Dol Tearsheet's address to the beadle. From a late "critical review" I learn, that "nutk-hut" in the language of the Bazeegurs or Nuts of Hindustan signifies "rascal" or "blackguard"; and that it was probably introduced into England by the gypsies, between whose language and manners and those of the Nuts a considerable similarity has been discovered by Mr. Richardson, as detailed in the 7th vol. of the Asiatic Researches. This is curious and interesting. Nothing escaped the all-pervading mind of Shakespeare. The chemist has melted every thing in his crucible....men, language, arts, gold, "wood, hay, and stubble." The enchanter had something better than Aladdin's lamp. He had the hoariness of the sage and the frenzy of the poet. He pierced into minuteness with a glass. He grasped extension at will, and remains undisputed sovereign in the regions of intellect.

Mr. Wilberforce has obtained some celebrity from his religious publication; the doctrine is however considered as too Calvinistick, and does not therefore perfectly suit the liberality of English divines. I do not mean to discuss the orthodoxy, or expedience of his sentiments. He may be an excellent theologian; he certainly is a most miserable parliamentary orator. His figure is awkward

and his stature small. He dresses very negligently, and looks more like a petty journeyman tailor, than a dignified representative of a British parliament. He loves to hear himself talk; but unfortunately his hearers are not much pleased with him, and therefore his long preaching affords an opportunity to take a lounge in the lobby, or a dish of tea in the coffee room. Sometimes he is not treated thus indifferently well; when the orator is tedious, as he often is, the members begin to scrape and sneeze and hum gently, and blow their noses, and though Wilberforce says, "I have nearly done," and though the speaker calls, "order in the house, order at the bar, order in the gallery," yet the noises still continue; the low voice of the honourable member is scarcely distinguishable; his diminutive, lean figure wriggles about; he twists his old hat; he says, "Mr. Speaker," and sits down mortified and impotently revengeful. Mr. Pitt's tall form then rises in majesty; the house is mute as a church at midnight; the oration commences in simplicity, continues in a regular flow, increases in dignity, grandeur, and force, concludes with mighty energy and irresistible effect; his friends are astonished, and his foes are confounded.

A CURIOUS dialogue might be composed between Homer and Shakespeare in Elysium, as to comparative superiority in the opinions of mankind. Homer should allege, that Alexander placed his Iliad in the most precious casket of Darius; and Shakespeare might declare, that



English virtuofos have given more for a mere play-bill of his age, in hopes of important discovery concerning him, than European literati have given for a "*princeps editio*" of the Grecian bard.

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No complaint is more common among young men, who pretend to be learned, than that general female conversation is very insipid, because it principally turns upon weather, walking, fashions, visits, company, and other chit-chat. The charge is very ridiculous. Trifles compose the frequent business of human life. "Little things are great to little man." Politicians and statesmen may alter laws and constitutions; but the inferiour arrangements of human life, the common incidents of domestick economy, the ten thousand things of a pleasant day spent in fashionable society, are important and immutable. The gentleman who can agreeably talk on all these minute actions and evanescent circumstances, is more enviable than the scholar who discourses about books and algebra. The former has silver and current money, with which he may buy oranges, nuts, and playthings for his boys and girls; the other has mines of gold in barren places, which nobody wants or cares for.

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THE Greek scholar should have in his library Bos' Ellipses, Vige-

rus de Idiotismis, and Hoogveen's Doctrina Particularum, Every English Cantabrigian pores over the two first; and the latter work, by a learned Dutchman, sometimes perplexes the student, and astonishes the proficient. The Port Royal Greek Grammar and Scapula's Lexicon are absolutely necessary for him, who digs deep into the mine. Gibbon for some time had only Hederic's Lexicon, but he gladly resigned it, when he was presented with Constantine's; yet this is not generally esteemed so good as that of Scapula, and both are inferiour to the wonderful Thesaurus of Henry Stephens.

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THE winter is gone and the pleasant spring has returned. Now is the time to walk in the tender fields, or by the river side in dry places. In a warm day at this season I like to pierce into the middle of a wood; to hear the south wind gently stir the old dry leaves; and listen to the large ground fly, as he buzzes round his winter's hole. This is to me better, than noise and the song and the midnight dance. I envy not the gay daughters of pleasure. I love the scenes of nature, the fresh smell of morning, and on a high hill the distant sounds of village labour. If then I have a good conscience within, and Cowper in my hand, what to me are riches, honours, compliments, and fame?

#### THURSDAY LECTURE.

No. 4.

*From the Boston Weekly Magazine, Vol. I. No. 14.*

1 Cor. xv. 53. *This mortal must put on immortality.*

THIS to be sure is a very extraordinary proposition, and one

which severely exercises the mind of every rational believer. To be told, that the body of man, which is sustained by food, grows



to perfection, decays, dies, and corrupts like that of other animals, will hereafter be resuscitated and made a glorious and incorruptible body, is a doctrine so contradictory to present observation, that the deist immediately rejects it. But the marks of authenticity and truth which it bears convict him of extreme temerity. At least it merits a rigorous examination. Of all the proofs, and there are several, which are brought to its support, the weightiest and brightest is the resurrection of Christ. This argument, which is managed with great force in the context, lies in a small compass, and is easily apprehended. It is principally contained between the twelfth and twentieth verses, and the sum of it is this. If there shall be no resurrection of the virtuous, whence the resurrection of Jesus Christ? If Jesus Christ did not rise from the dead, your faith

in the gospel is vain. If your faith in the gospel is vain, we apostles are of all men the greatest liars, and of all liars the greatest fools. For what do we gain by our false testimony and absurd doctrine? Mocking, scourgings, bonds, and imprisonment! In defence of this system of folly and fanaticism, our lives are every moment in jeopardy; and we have too many reasons to believe, that a firm adherence to our cause, and on this we are determined, will finally subject us to the shame, agonies, and death of our Master. No, christians. Our cruel sufferings and still more horrid expectations prove the truth of our *testimony*, which proves the truth of the *gospel*, which involves the reality of *Christ's resurrection*, which proves the possibility and certainty of *yours*, and is the deep and immovable foundation of your heavenly hopes.

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 LETTERS TO LEINWHA,

No. 5.

TEACHER OF MORALITY IN THE RECESSES OF LATINGUIN, FROM A WANDERER IN THE WEST.

THE fairest hopes of man are blasted in a moment, and when he fancies himself secure, at the very summit of felicity, he is most in danger of being hurled from the enjoyment. While I yet write, a pestilence desolates the city; and thousands are swept into eternity unpaid of their last honours! Death, who outstrips the fleeting feet of Fear, seems impatient of Time, and the only consolation left to the afflicted, is the certainty of following those whom he has taken away. It would harrow up thy heart, Leinwha, son of Tsi-fo-vang, to

behold the excess of grief in those, whose minds are not disciplined by philosophy, and who seem in their first paroxysm to forget, that death is the best gift from heaven to man.

.....As all communication with you will be now awhile cut off, and the avenues to the city closed to-morrow, I am about to retire into the country; and await the return of health and tranquillity.

Farewel! May that blessing, of which this land is deprived, never be wanting to the friend of my bosom.



## ARGENIS :

A ROMANCE, FROM THE LATIN OF BARCLAY.

*Continued from Vol. I. p. 26.*

AFTER this perusal of the countenance of his new friend, Poliarchus amused himself with observing the pallid countenance, and disordered hair of the lady, and gaily inquired, whether she had fallen among Satyrs. "Do not imagine," she answered with a careless smile, "that this disorder was the effect of distraction. Terror at your danger made me heedless of my path through the forest, and the opposing boughs unloosed the clasp of my hair. Retire however, without indulging in conversation, to my villa, happily not far distant, and repose yourselves after the danger of the sea, and the fatigue of the combat." The proposal was too grateful to be refused, and after collecting their servants, they took the path which the lady pointed out.

Poliarchus and his friend possessed those kindred minds which at once banish reserve; he therefore readily answered to his inquiries, "that he had left the royal encampment in the morning for Agrigentum, and had overtaken this lady returning from a visit to the daughter of the king. While the attendants were carelessly wandering in the forest, till he was left almost alone with the lady, he was suddenly attacked by five ruffians. Happily however," said he, "I was at first their only object, and Timoclea's alarm being communicated to her horse, she was carried by a most auspicious accident to a friend both courteous and brave. Animated by the danger, and two

slight wounds, which were given me before I was on my guard, I disabled two of the robbers, and the remainder fled with a timidity as disgraceful, as their attack was unmanly."

While engaged in this conversation, they arrived at the villa of the lady, elevated on an eminence near the banks of the Himesa. Around one side of the mansion wound the flow current of the river, and on the other appeared

—thick-woven arborets, and flowers  
Imbordered on each bank,\*

while the eye was delighted with the extended prospect of the course of the river, the spreading plains, the forest, and the distant hills. The ample and regular economy displayed the character of the lady, whose spotless honour after the decease of her husband added lustre to her ancestry. The rapid approach of night compelled them to accept the hospitable offer of invitation of the lady to remain till morning. While supper was preparing, Poliarchus bathed his wounds in diluted vinegar, and softened their irritation with oil mingled with the flowers of the Acyfon. This simple and unbought remedy was far more secure, than to confide to the mercenary skill of a physician, who often receives an iniquitous

\* I shall be forgiven the anachronism of making Barclay quote Milton, when it is seen what a charming translation these lines are of *arbuslis inter se implicatis & lentato vimine miscantibus nexu*, the delightfully classical expression of the original.



ward for retarding the efforts of nature.†

When they had reclined on the couch at supper, Timoclea by delicate approaches inquired the name and country of her guest, and whether accident or design had brought him to the island. He was, he answered, a native of Africa; but that those, who had a right to exact obedience, required him to conceal his real name under that of Archombrotus. That he had directed his course to Sicily from design, attracted by the celebrity of the court of the king. Timoclea and Poliarchus looked on each other with astonishment to hear, that with such bloom of complexion, he was from Africa, and remarked with surprize, that he had neither the thick and protuberant lips nor the dark and hollow eyes, which distinguish its natives.

After the banquet was removed, and they had retired to rest, Archombrotus desired his friend to inform him from what cause Sicily was infested with robbers, who was Lycogenes from whose camp he supposed they had issued, and what was the state of the kingdom in all its relations. As they were now alone, Poliarchus answered these inquiries without reserve. "It is the tendency of some qualities" said he, "in themselves virtuous, to degenerate into faults, or rather such qualities

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† It seems to have been the universal topick of merriment and satire to the wits of this and the succeeding ages to laugh at the disciples of Hygeia. Yet, however unjust may be such indiscriminate satire, he must be most copiously besprinkled with "Cimmerian dew," who does not enjoy the poignancy of Le Sage, and the vivacious sallies of Moliere.

take the colouring of virtue or vice from accident and situation. Meleander, of whom you must have heard, holds the sceptre of Sicily by unquestioned right; a man of most gentle affections; but so ignorant of the dispositions of mankind, as to give indiscriminate confidence to others, expecting from his own goodness to receive in return equal confidence and truth. Perhaps too unmingled prosperity has been to him a source of misfortune. For at the beginning of his reign, the peaceful possession of unlimited power impaired his control of his passions, made him indulge in the common and almost venial vices of princes, and without destroying his reverence to virtue, lessened his severity to vice. He yielded to an immoderate passion for hunting, in which he dissipated the year. He formed his friendships without judgment and cherished them with ardour, lavished his revenues on the unworthy, and weary with the cares of government, committed it to the profligate. I wish, my friend, I could be silent on this subject; but it is better you should hear these things from the candour of a friend, than that they should reach you enlarged by rumour and distorted by enmity. For enemies seize with eagerness on every failing, and give it false and darkened shades.

Such are the causes of the misfortunes of our amiable monarch. The envy and ambition of Lycogenes has swelled every fault, and hung with malignant delight over every error. The haughty consciousness of royal ancestry makes him unwilling to move in



a subordinate sphere. He is equally energetick in his designs and actions, and though from exquisite artifice of gentle demeanour to the populace, yet, where he may display himself with safety he is a man of unequalled ferocity, perfidy, and pride. He easily insinuated himself into the confidence of a man of Meleander's unsuspecting virtue, and

while the king was dissolved on the bosom of pleasure, he distributed the revenues and divided the offices of state among his retainers.\*

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\* The portrait of Meleander is drawn with a master's pencil. The reader will perhaps enjoy these characters better, when he is informed that Meleander is a fictitious name for Henry III. of France, and Lycogenes for the house of Guise.

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*To the Editor of the Anthology.*

SIR,

OBSERVING in a late number of the Anthology some interesting coincidences in the customs of nations widely separated from each other, I take the liberty of offering a similar communication; by the insertion of which you will oblige,

A CONSTANT READER.

MEN in eastern nations are extremely jealous of their superiority over the female sex; and hence it is that a man seldom condescends to eat with his wife. It is her business to serve her husband at table, with all the care and assiduity of a servant; nor does she find herself at liberty to sit down to a meal until he has done. He never desires her opinion, or deigns to converse with her on the subject of family affairs. He seldom assigns her a task which may not be performed without stirring abroad, nor any business abroad, but what may be performed under her veil. Women in every condition of life are subjected to these regulations, and their time is employed with their children and household affairs, which, however, from their plain and simple manners, require little application. I was struck with the great similarity I discovered in this point between the manners of the

American savages and those of the Arabs, as well as other Asiatick tribes; a resemblance very surprising, when we consider the great distance the Arab and American are removed from each other. In America the savage charges himself with nothing but his gun, while his wife follows behind him, loaded with every article of family baggage. In Asia it is the same. The savage entertains no conversation with his wife, nor does she presume to be present at any of his parties. The same are the manners of Syria, and indeed of the Asiatick continent in general. In the Bissayan isles, and among the Marratta tribes, as well as in America, the fields of Indian corn are cultivated by the women alone. The Arab mounts his ass, and leaves his wife with a large bundle on her head, to travel on foot. The savage sits at his ease in his canoe, while his wife labours at the oar without complaint. It appears very remarkable, that two people inhabiting opposite hemispheres of the globe, and wholly unacquainted, should so strongly resemble each other.

*Travels round the world, in the years 1767-68-69-70 & 71, by M. De Pagès.*



## TO MEDICUS.

SIR,

YOU support the opinion of your author in opposition to the "*doctrine of latent and sensible*," i. e. latent and sensible caloric, or combined and free caloric, or latent and sensible heat: these terms have been employed promiscuously. Let us investigate this matter.

About the year 1760 the illustrious *Dr. Black* made the discovery of the intimate combination of heat, or caloric, with certain substances, having previously acquired a high reputation by demonstrating the existence and properties of fixed air. These two discoveries, says his biographer, "fixed air, and combined heat, gave the incitement, pointed out the road, and furnished the chief helps for pursuing the improvements, which have since been made in this interesting branch of chemistry" (pneumatic chemistry). The truth of these remarks is confirmed by the great importance the French chemists gave to those discoveries, and the use they made of them in the experiments on gaseous substances, by which they subverted the phlogistick theory.

*Lavoisier* therefore commences his "elements of chemistry" with an explanation of the combinations of heat or caloric. "This substance," says he, "being the cause of heat, or, in other words, the sensation we call *warmth* being caused by the accumulation of this substance, we cannot in strict language distinguish it by the term *heat*; because the same name would then, very improperly, ex-

press both cause and effect."\*

"Wherefore we have distinguished the cause of heat, or that exquisitely elastick fluid which produces it, by the term CALORIC."

"*Free caloric* is that which is not combined in any manner with any other body."

"*Combined caloric* is that which is fixed in bodies by affinity or elective attraction, so as to form part of the substance of the body, even part of its solidity."

"*Sensible heat* is only the effect produced upon our sentient organs by the motion or passage of caloric disengaged from the surrounding bodies."

Thus clearly and decidedly distinguishing between heat, as a sensation, and heat, as a cause, he also shows how heat or caloric may enter into and combine with bodies; and that it does so, when-

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\* In common language the word *heat* is used to express a sensation, and also to express the cause of that sensation.—According to Johnson, heat is 1. The sensation, caused by the approach or touch of fire. 2. The cause of the sensation of burning. This produces a confusion, which is apt to mislead unreflecting persons, who often mistake the effect for the cause. Though custom has hitherto authorized this double meaning of the word, it would be better to confine it to the signification of one only of these ideas. In my humble opinion, the Reviewers would have done well to give their assistance and authority to lay aside a term universally considered improper in the double application, and instead of it have adopted the word *caloric*, and *combined caloric*. The misuse of the word, however, does not in the least affect the great doctrine of latent or combined caloric.



ever a solid changes to a liquid, or a liquid to a vapour. That on the other hand, when a vapour is condensed, forming a liquid, and a liquid condensed, forming a solid, caloric is disengaged and communicated to surrounding bodies. Thus, water freezing gives out caloric; on melting, and on being converted to vapour, it absorbs caloric. When from a vapour it becomes water, and from water is frozen to ice, then it yields the caloric taken up before. On these simple principles were made a multitude of experiments, by the French and German chemists; and Lavoisier perhaps thought, that their labours with his own had established the doctrine of the English philosophers beyond the reach of scepticism. Indeed there does not now appear in opposition to it a single name of any note *on the other side the Atlantick*.

How frail are the proudest fabricks of human industry and ingenuity! How often do we behold works, raised by the indefatigable toil of years, vanish in a moment before the vivid corruscations of genius! A philosopher has arisen in this western hemisphere, who, spurning the base shackles of experiment and fact, has vaulted at once to the highest pinnacle of wisdom, and thence, in vengeance, levels the works of slow, plodding assiduity by a dash of his pen. To Medicus is due the honour of overthrowing those short-sighted literati. "What though," says this writer, "many philosophers, and the whole body of modern chemists agree in the doctrine of latent and sensible, Is there an

absurdity in philosophy, medicine, religion, or politicks, which authorities have not supported? Your lamentations, Sir, if sincere, are foolish. Heat is a sensation, and sensation is never latent; it is always sensible. If there be latent and sensible heat, why not latent and sensible sound, latent and sensible light, latent and sensible pain? Latent heat is in plain words *cold heat*, and sensible heat is in plain words *hot heat*."\* Then triumphantly he concludes, "This is the doctrine so much contended for." Unfortunate Black, Irwin, Crawford, Cavendish, Scheele, Lavoisier, and Priestley, could you for a moment rise from the grave, how soon would ye again shrink to your dark habitations and 'hide your diminished heads' from the detecting frown of our philosopher!

Having paid a just tribute to your merit, I shall proceed in the discussion of those points on which we do not accord. The absorption of oxygen into the lungs has generally been believed by the followers of the pneumato-chemical doctrine of respiration; and seems to be credited by the Re-

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\* Some creeping supporter of the old doctrine might say, that Medicus had made no distinction, and perhaps known of none, between *heat*, the *sensation*, and the *igneous fluid*, which produces that sensation; that he had considered the term *heat*, as having been employed *only* to convey the idea of a sensation, and founded his arguments on that view of the matter; thus creating and attributing to his antagonists the absurdity, which nobody thought of before, of considering *heat*, the *sensation*, and *heat* combined, or latent caloric, to be the same thing. But such matter-of-fact objections as these are unworthy the attention of *exalted genius*.



viewers in that number, which has excited your ire. You therefore appear to have thought it necessary to set this important objection aside. As, according to the discourse, carbon and hydrogen must pass through the coats of the lungs to be extricated from the blood, the Review questions "why carbon and hydrogen should pass out more easily, than oxygen can pass in"? You say, "The answer is, because the carbon and hydrogen in the vessels of the lungs are not in an aeriform state; the oxygen inspired is."—Your answer is futile; for the oxygen gas in the lungs is decomposed before it is absorbed, and reduced to the same state as the carbon and hydrogen exist in, within the vessels.

The absorption of oxygen is not a circumstance absolutely necessary to the existence of the pneumato-chemical theory.\* Yet there are such facts to prove it does take place, that I confess it will seem to me probable, until you offer some stronger objection, than that

\* The ingenious Dr. Spalding of Portsmouth, in a very neat dissertation on animal heat, read at Cambridge, gives the following theory: "Respiration therefore appears to be but combustion in a less degree, in which atmospherick air is decomposed in its passage through the lungs, is robbed of its vital principle, caloric of the oxygen, which is combined with the blood, and with it diffused through every and the minutest part of the system, spreading its genial warmth and animating every fibre, till in the capillary vessels it is exchanged for hydrogen and azote, where the blood parts with its scarlet hue for a dark Modena red; furcharged with these new properties it returns to the lungs, where they are disposed of, and a new routine commences." *Vid. inaug. dissertation p. 22.*

"the oxygen inspired is in an aeriform state."

Dr. Goodwin's experiments on this subject are well known. By inflating the lungs of a living dog, he found, that the blood in the trunks of the pulmonary veins was florid, whilst that in the trunks of the arteries was black; and that, when this action was suspended, that of the veins was also black.

Priestley, to whom we are indebted for the first accurate ideas on this subject, observed that dark venous blood exposed to oxygen gas suddenly acquired a florid colour. Dr. Goodwin, repeating his experiments, introduced a quantity of venous blood into a glass receiver filled with vital air (oxygen gas), and inverted it over quicksilver. It immediately became florid, and the mercury ascended in the receiver; proving, that oxygen had been absorbed by the blood. This was confirmed by another experiment, in which he found the blood became heavier by this absorption.

Girtanner received, in a bottle of azotic gas, some arterial blood from the carotid artery of a sheep. It soon assumed the dark colour of venous blood, and on opening it the next day, the azotic was found mixed with oxygen gas, so that an animal could live in it, and a candle burnt in it for two minutes.

Arterial blood was received into a bottle, full of nitrous gas. The blood assumed a green colour upon its surface; a small quantity of green serum separated; and the day after, on opening the bottle, the vapour of nitrous acid was discovered. The nitrous gas therefore must have acquired oxygen from the blood.



Girtanner injected nitrous gas into the jugular of a dog. When it came, in the course of circulation, to the lungs, nitrous acid was formed.

Many other experiments he made to the same effect. In one he proved decisively, that the florid colour of arterial blood was not produced by the loss of its carbon and hydrogen. For he injected *oxygen gas* into the jugular of a dog, and found, that it rendered the blood in the *right* ventricle florid, though that blood had not parted with any thing.

These are some of the experiments in favour of the opinion, that oxygen is absorbed by the blood in the pulmonary vessels. I leave to you and the learned to decide, whether they are invali-

dated by your objection, that "the oxygen inspired is in an aeriform state."

In the the last sentence of the paragraph, above referred to, you assert that, "through the whole of the paragraph from which this question is taken, there is confusion and misrepresentaion." I have carefully compared it with the discourse, and I believe every one, who examines candidly, will agree with me in declaring it perfectly clear, and perfectly accurate. Your assertion therefore deserves to be considered as the offspring of an unjust and childish petulance, or else the "confusion and misrepresentation" existed in your over-heated brain.

PHILO-LAVOISIER.

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The following letter from a female correspondent seems designed as a compliment to the preface of our first volume, which accompanied the *Anthology* for December last. We regret that our engagements forbade us to give it an earlier insertion.

*To the Editor of the Monthly Anthology.*

IN sympathy with the publick feelings we give you our private gratulations on the adoption of a being, whose rights to parental tenderness you have so wisely legitimized, and whose promise inspires you with so much courage. Far from taxing you with presumption, we honour your compassionate disposition. We love to follow with you his future steps, and in fond speculation behold his hoary head crowned with wisdom. But, when we trace him through his Methuselahian years, we cannot but tremble at the vicissitudes he will experience from revolutions in manners, science, and politicks. Yes, the child of generous sensibilities

may become hard-hearted and churlish in the vale of age; and the polished youth, who now decks the majesty of truth with the flowers of literature, may become, through commerce with a corrupted world, a fanatical sciolist, and a pander of despotism. Amidst the desolation of manners and principles, which were the delight and boast of happier times, he may hereafter recal the festive scenes of juvenility, when he attended balls, routs, and theatrical amusements; but will it be with the returning love of publick freedom and social felicity? In supporting his varieties of character, will he not have forgotten the gentle courtesies of



life, and retained the corrosive remembrance merely of disappointed ambition?

It is painful, Mr. Editor, to indulge these gloomy apprehensions; yet I cannot but express a fear, lest theological sentiments are to hold only a subordinate rank in the education of your ward. It is true, in a character so necessarily mixed, and formed by various contributions of charity, we cannot expect to see features the most nicely defined. After all the ornaments of learning, sentiment, and taste, with which his fosterfather has furnished him, our stranger appears to be no other, than a citizen of this lower world, exposed to some of its most mortifying hardships, and, like the first inhabitants of Eden, to death itself. Nor should such a calamity be lamented as untimely or singular. Concerning most of the works of our fathers, we may ask, "Where are they?" And how many libraries of the ancients have perished forever!

The only character superiour to innovation and death was drawn by the hand of St. Paul. In that are combined the finest polish of courteous manners, with the bravery of a warrior and the zeal of a martyr. But his education is of an extraordinary sort, and his habits formed by a new and peculiar process. His body is nailed to a cross; his senses are mortified; his passions are under a perpetual tutorage; or, in the bold language of inspiration, *he is dead*; dead to a world

of vanity, delusion, and sin. He passes, it is true, through courts and seminaries; but it is not in them he receives the rudiments of his education, or the form and complexion of his character. Strange as it may seem, he derives his birth and instructions from a world invisible and incorruptible. Thence he borrows his maxims of conduct, and there he is incorporated into the privileges of a being wholly spiritual, sublime, and immortal. In him we behold a hero, who not merely bleeds and dies, but who, until long habits have quelled the mutinies of passion and sublimated his desires, suffers a constant martyrdom. If he is prepared for conflicts, it is with "the preparations of the gospel;" if shielded for combat, it is with the unseen "breastplate of righteousness and faith;" and if he is crowned and already partaking of the greatness of his election, it is with "the hope of salvation." I am sketching the portrait of no imaginary being. I have in my mind a real person. It is he who is happy in a dungeon, because the father of lights illumines it with his support and promises. It is the exile who, forced to take the wings of the morning and fly to the uttermost parts of the earth, yet clings with confidence and joy to an omnipresent hand. It is, in short, he who feels himself respectable amidst the obloquies of the crowd, rich amidst losses, prosperous in sickness, and living in death.

CONSTANCE,

\*\*\*\*\* Jan. 25, 1805.



## THE SOLDIERS : A BRITISH TALE.

*Continued from p. 82.*

RODOLPHO'S servant, whose mind was not so much the slave of superstition as the soldier's, observed, through the half-opened door, that his master had changed his dress, and was partaking of the refreshment on the table;.....this drove the tale of his companion from his mind, and with his persuasion, aided by the cheering warmth of the fire, the soldier followed his example, and changed his clothes; comfort animated his spirits, superstition weakened, and with sharpened appetites they eat the offered repast, and soon lost their fears and fatigue in sleep round the fire, which the negro supplied with fresh fuel as often as it needed.

The mind of Rodolpho was too much engaged to sleep; the repulsive manner of the solitary, while he performed such acts of kindness, was an inconsistency that engaged his reflections: fear never impels a generous mind to cordiality, thought our soldier; his countenance was unmoved at the sight of us, our bayonets, our muskets; his authoritative tone, and frigid look had nothing in it that implied dismay; his conduct seems more the result of desperation; he has fled society; he is perhaps disgusted with his species; life is not the object of his care; to take it from him would only rid him of what he values not: he has therefore given way to the urbanity of his nature, which events may have rendered obscure, though not eradicated, and relieves those whom chance may cast within his influence regardless of the event.

These reflections served only to irritate the curiosity of Rodolpho; he longed to see the female whose harmonious voice gave harmony to the tempest, and created such an interest in his feelings; to hear why a man whose address and appearance betrayed natural politeness had chosen so complete a retirement abstracted from society: yet he could not resolve to commence a conversation with his host by asking questions; it would be breaking a social law which directs us, as far as our powers will admit, to return the kindness we receive; and to some characters, a compliance with their humour is the most

acceptable return we can offer. We are more flattered by an allowance for our failings, than by applause for our virtues.

Rodolpho considered the determined taciturnity of the recluse indicative of his humour, and remained silent, often looking at him, who kept his eyes fixed on the fire, except when he cast a momentary glance at our soldier:.....his head was uncovered, his countenance had an expression of sternness, that seemed less the effect of nature than events; for sometimes his contracted brow would relax, his features expand, to an appearance of candour, and then a sigh, indicative of sorrow, would heave his breast.

They had sat a considerable time silent; Rodolpho took out his watch;....."It is *nine* o'clock," said he; the exclamation was involuntary, the recluse started, and cast his eyes on our soldier; their eyes met.....there was something so sorrowful and impressive in those of the solitary, that dissolved the quick susceptibility of Rodolpho into a tear; the recluse kept his eye fixed on it as it fell on the watch.

The contending feelings that passed in rapid succession through his countenance and which seemed by his heaving breast to be labouring for utterance.....the overflowing sensibility which appeared in that of Rodolpho.....the silence of the scene, that was only interrupted by the rustling of the branches of the trees that surrounded the cottage, raised the feelings of Rodolpho to their full compass.

The recluse was evidently agitated, some tears fell, and he appeared to be on the point of giving freedom to his labouring breast, when a voice, that, to the ears of Rodolpho, gave an idea of seraphick sweetness and affection, exclaimed, "My dear uncle, what is the matter? why do you weep?" and instantly the form of a female, light as gossamer, sprang across the room, fell on his neck, breathing responsive sighs.

Rodolpho rose from his seat, and made an involuntary exclamation of surprise; but a moment's reflection told him, to interrupt by inquiry, or to attempt consolation, would not be an act of kindness.



The soul whose sensibilities have been long suppressed feels a sensation of extreme relief, when nature meliorates the nerves that were become rigid; he sat down in silence viewing the female, who, in soft whispers, was comforting the recluse:.....during her tender attentions, he often kissed and pressed her to his bosom.

The intellect of Rodolpho was lodged in his eye and ear. The female, while soothing her uncle, did not notice him; but she exhibited a face and form calculated to warm the frigid breast of an anchorite. To nature she owed all; her dress was in the simple style of a peasant, distinguished only by a peculiar neatness;.....her hair flowed in all the luxuriance of nature; her employment gave an interest to her figure sensibly felt by Rodolpho.

Is there in nature a contemplation more enchanting to the mind, that can appreciate the sweet, the tender cordialities of life, than youth consoling the afflicted? What a magick influence does it cast over the character of a female when we view her smoothing the pillar of age or sickness, or endeavouring to cheer the desponding mind with the bright colours of youthful hope; the consolation of young and uncorrupted hearts have an harmony all their own to the ear of age. Nature speaks in their voice, cheers and gently slopes their passage to the grave. And believe me, fair ones, to the eye of virtue it adorns you more than the gayest habit, and will yield more exquisite delight on reflection, when the parent, the friend, or the stranger is departed, that the most refined scene of sensual enjoyment.

The recluse gently disengaged himself from the embrace of the young woman, and said, "Antonia, take a chair and sit near me;".....Rodolpho made an effort to place a seat, but her light and rapid movement anteceded his; she observed it, and, smiling, acknowledged the *kindness* of his intention.....she scarcely knew the meaning of the word '*polite*,' that slides so smoothly off the tongue of polished females, without springing from the heart. Untutored nature spoke in her voice, whose *politeness* is a disposition to be pleased and please.

The solitary recovered his scattered spirits, and fixing his eyes (that had lost all the sternness which before animated

them) on our soldier, thus addressed him.

....."The reserve of my manner, that ill accords with the hospitality due to a stranger, may have impressed you with an unfavourable idea of my heart, and the agitation of spirits you have witnessed, given an appearance of weakness to my mind, that the frigid philosopher affects to despise."

"Whilst in the enjoyment of the comforts you have dispensed to me, a stranger," replied Rodolpho, "I should not merit their experience, if I felt any other sentiment than gratitude. I am a stranger, a barrier to your judging unfavourably of me, and the same barrier prevents my thinking of the agitation I have witnessed (the cause of which I am ignorant), with any other feeling than regret, fearing its removal may be beyond my power."

"It is," replied the recluse; "my language (vanity is dead in my heart) is not, I feel, in unison with the rustick simplicity of my dwelling and appearance; all to you seems enveloped in mystery; a mystery, that it may be your duty as a soldier, in these times of bloody warfare to unfold, when every man that is unarmed is esteemed an enemy to the country to which he belongs. I am of *no* country; I *was* a citizen of the world; I am now a being, whose boundary is a desert:" the recluse paused, memory seemed to have no pleasures for him.

Rodolpho was silent; every sentiment he could have uttered would have seemed cold and intrusive. Antonia spoke not, but the mantling blush of her cheek, the tenderness of her eye, that floated in liquid amber, told her participation in the feelings of her *uncle*.

Fifteen years only had Antonia been a being of this world, fresh and blooming as the rose of the wilderness where she grew was her countenance; pure as the lily of the valley was her mind; nature was all alive in her heart; vivacious and tender. With the lark she offered her morning orisons to the God of day, and chaunted with the lonely Philomel her evening thanks to the same beneficent Being; after that, her most lively sensation was love for her uncle. Her form and manner personified the idea of an Arcadian, beautiful and artless. (To be continued.)



## POETRY.

## ORIGINAL.

## DOMINUS PROVIDEBIT.

NEMO Deum vano confidens invocat  
ore ;  
Et bene cœlestes dextera sancta colit,  
Sic ABRAHAM fidei subnixus robore  
quondam  
Præsentis sensit numina magna Dei.  
Jussus erat natum sacras mactare per  
aras,  
Matris delicias, deliciasque patris  
Quas non concepit tristi sub pectore  
curas ;  
Turbavit magnus territa corda dolor.  
Magnus amor sobolis, reverentia magna  
Jehovæ  
Ambiguum mentis tunc habuere se-  
nem,  
Heu quid agat genitor! sobolis num  
pluris amorem,  
Quam summi faciat jussa verenda Dei ?  
Non ita ; divinæ mandata capeffere  
vocis,  
Mentis opus sanctæ credidit esse pium,  
Surgit et auriti succingens corpus aselli,  
Lustra per obscurum devia carpit  
iter.  
Mons erat, insigni florum vestitus amictu,  
Campus in aerio vertice planus erat ;  
Quo simul ac ventum est, fundamina  
collocat aræ ;  
Ponit et arsuris arida ligna focis.  
Victima cum desit, Pater optime, filius  
infit,  
Quis gladii tibi, quis fomitis usus erit ?  
Excipit hic genitor ; Domino prævisa  
potenti  
Concidet, et laudem victima grata  
feret.  
Dixit ; et impositum nodis ligat insu-  
per aræ,  
Armaque clam trepidâ stringit acuta  
manu.  
Quid censes animi tunc forte fuisse pa-  
renti ?  
Jam spes in puero parva salutis erat.  
Intonat excelfo cum magnus ab æthere  
clamor ;  
Parce, pater, soboli, sic volo, parce  
tuæ.

Nec mora : vervecem nudo Deus obji-  
cit ensi ;  
Mactato peragit quo pia sacra senex.  
Tum nunquam Domini fidentes gratia  
linquit ;  
Fluctibus at mediis auxiliator adest.  
Quid tecum, Fortuna, mihi, tua projice  
tela,  
En rebus DOMINUS providet ipse  
meis ?  
Providet ipse meæ vitæ Deus atque saluti ;  
Ille meus Dominus, sit Deus ille meus.  
L.

## SPRING.

*Nunc pater omnipotens fecundis imbribus  
Æther  
Conjugis in gremium læta descendit,——  
Virg. Georg. II.*

THE merry pipe, the dance, the pas-  
t'rol lay,  
The simple tale, and laughter-moving  
jest,  
That whil'd the hour away,  
Beneath the humble roof ;  
And many a rustick sport and rude  
conceit  
To cheat dull winter of his iron sway ;  
Diffus'd o'er hill and green,  
Now welcome Spring's return.

The burthen'd zephyr on its bosom  
bears  
The blossom's perfume and the wood-  
land song,  
Or, while along the lawn,  
Or mead, or lengthen'd dale,  
Through bending lilies as it winds its  
way,  
Shrill Echo rouses from her sylvan cell,  
And wakes a mingled sound,  
And joins the general joy.

Oh gleeful Spring ! our groves and  
plains for thee  
With woods and vales their richest  
livery wear ;  
And o'er yon' eastern hill,  
Refracted by the beams



From dewy tears dispersing vapours  
shed,  
See where the bright triumphal arch  
is rear'd,  
Bedeck'd with sprightliest hues,  
To greet thy lov'd approach.

Now, while the swain ascends his moun-  
tain side  
To trace the orient blushes of the morn,  
Or mark the purple gleam  
O'erhang his western bed ;  
Charm'd by the simple song and smiling  
scene  
Let thine own breath his bosom then  
inspire,  
When gazing on thy charms  
To bless the source of Spring.

Oft let me wander, when departing day  
Just serves to guide my vagrant feet  
along,  
Near yonder mountain's brow,  
Or through its vale beneath,  
And mark the lowly cot, the distant  
spire,  
The tinkling bell, or shepherd's simple  
horn ;  
Till Evening's dusky car  
Slow circle o'er the plain.

Then, when the unseen wanderer wakes  
the lyre  
To sounds harmonious, sweet as infinite,  
All but the breeze be still,  
And Silence' self attend,  
Till from the eastern wave, that owns  
her charms,  
The radiant Queen of Night, serene and  
mild,  
Lights the fair landscape round  
With counterfeited day.

And now, while pensive as I stray beside  
The stream, that woos her image to its  
breast,  
The sylvan chauntress claims  
Awhile my list'ning ear.  
And oft her plaintive ditty has beguil'd  
To melancholy musing ; till the dews,  
Soft stealing, warn'd me home  
To dream it o'er again.

Thus, gentle Spring, with thee the  
laughing year,  
The loves, and graces, and the hours,  
are led ;

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And, while the seasons roll,  
We hail thy genial sway.

&

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SONG.

*Tune.... "Hollow Drum."*

WHEN the busy toil of day is done,  
When beneath the mountain sinks the  
Soft and fair [sun,  
The vernal air,  
And Echo answers merrily ;  
When I move  
To meet my love  
My bounding heart beats cheerily.

When the yellow moon-beams light  
the vale,  
When the bird of sorrow tells her tale,  
Sad and low  
The warbl'd wo  
Sounds thro' the wild woods drearily,  
Then breathe I  
The tender sigh,  
While beats my heart less cheerily.  
&

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SELECTED.

THE CHURCH PORCH.

CONTINUED.

AFFECT in things about thee cleanli-  
ness,  
That all may gladly board thee, as a  
flowre.  
Slovens take up their stock of noisom-  
ness  
Beforehand, and anticipate their last  
houre.  
Let thy mindes sweetness have his  
operation  
Upon thy body, clothes, and habi-  
tation.

In almes regard thy means, and others  
merit.  
Think heav'n a better bargain then to  
give  
Onely thy single market-money for it .  
Joyn hands with God to make a man  
to live.  
Give to all something ; to a good  
poore man,



Till thou change names, and be where  
he began.

Man is God's image ; but a poor man is  
Christ's stamp to boot : both images  
regard.

God reckons for him, counts the fa-  
vour his :

Write, *So much giv'n to God* ; thou shalt  
be heard.

Let thy almes go before, and keep  
heav'n's gate

Open for thee ; or both may come  
too late.

Restore to God his due in tithe and time :  
A tithe purloin'd cankers the whole  
estate.

Sundayes observe : think, when the bells  
do chime,

'Tis angels musick ; therefore come not  
late.

God then deals blessings : If a king  
did so,

Who would not haste, nay give, to see  
the show.

Twice on the day his due is understood ;  
For all the week so oft thy food he  
gave thee.

Thy cheer is mended ; bate not of the  
food,

Because 'tis better, and perhaps may  
save thee.

Thwart not th' Almighty God : O be  
not cross'd.

Fast when thou wilt ; but then 'tis  
gain, not losse.

Though private prayer be a brave de-  
signe,

Yet publick hath more promises, more  
love :

And love's a weight to hearts, to eyes a  
signe.

We all are but cold suitours ; let us  
move

Where it is warmest. Leave thy fix  
and seven ;

Pray with the most ; for where most  
pray, is heav'n.

When once thy foot enters the church,  
be bare.

God is more there then thou ; for thou  
art there

Onely by his permission. Then beware,

And make thyself all reverence and fear,  
Kneeling ne're spoil'd filk stocking :  
quit thy state.

All equall are within the churches  
gate.

Resort to sermons, but to prayers most :  
Praying's the end of preaching. O be  
drest ;

Stay not for th' other pin : why, thou  
hast lost

A joy for it worth worlds. Thus hell  
doth jest

Away thy blessings, and extreemly  
flout thee,

Thy clothes being fast, but thy soul  
loose about thee.

In time of service seal up both thine  
eyes,

And send them to thine heart ; that  
spying finne,

They may weep out the stains by them  
did rise :

Those doores being shut, all by the eare  
comes in.

Who marks in church-time others  
symmetrie,

Makes all their beautie his defor-  
mitie.

Let vain or busie thoughts have there  
no part :

Bring not thy plough, thy plots, thy  
pleasures thither.

Christ purg'd his temple ; so must thou  
thy heart.

All worldly thoughts are but thieves  
meet together

To couzen thee. Look to thy ac-  
tions well :

For churches are either our heav'n or  
hell.

Judge not the preacher ; for he is thy  
Judge :

If thou mislike him, thou conceiv'st him  
not.

God calleth preaching folly. Do not  
grudge

To pick out treasures from an earthen  
pot.

The worst speak something good : if  
all want sense,

God takes a text, and preacheth pa-  
tience.

*To be continued.*



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## THE BOSTON REVIEW,

FOR MARCH, 1805.

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BY FAIR DISCUSSION TRUTHS IMMORTAL FIND.....HUMPHREYS.

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### ARTICLE 17.

*A Treatise on the Law of Insurance.*  
*In four books. I. Of marine insurances. II. Of bottomry and respondentia. III. Of insurance upon lives. IV. Of insurance against fire.* By Samuel Marshall, serjeant at law. First American, from the English edition; two volumes in one. Boston, printed by Manning & Loring for Daniel Johnson, of Portland. 1805.

THE works of the ancient writers on the law so much abound in technical terms, and are so much broken by the repetition of quaint maxims, that though they may rouse the attention, they will never fascinate the love of the student. But those writers were the original masters of the profession, and from their productions, as from living fountains, we may draw copious and healthful streams of legal science. It must be confessed, that the principal excellence of a treatise on the law will forever consist in the fidelity with which the author reports the principles and decisions, which belong to his subject. If he has with laborious research sought for truth, if he has discovered what was before unknown, or illustrated what was before imperfectly understood, he will by his work have rendered an acceptable service to science, although it should be deficient in the charms of elo-

quence. Formerly it was supposed, that the dry and abstract subjects of the law were incapable of the graces of diction: but who has read Sir William Blackstone's *Commentaries on the Laws of England*, or the *Essay on the Law of Bailments*, by Sir William Jones, and will not confess, that they will be read both with profit and delight by the lover of refined and elegant composition? To give interest to such subjects is, to be sure, a difficult task: but success in one instance proves the capacity of the subject to receive the impression of elegance; and therefore, in future, the writer of law reports, the commentator on statutes, and even the harmless lexicographer of the profession, must not feel themselves freed by their subject from an observance of the ordinary rules of criticism.

The style of this elementary work is clear, nervous, and elegant. The author sees things in their native forms, and describes them with admirable facility, and with just discrimination. But willing that our readers should, by their own diligence and observation, form their opinion of the treatise, we shall proceed to state, that the author treats, 1st, of marine insurances, including the subject of bottomry and respondentia; 2d, of insurances upon lives; and, 3d, of insurances against losses by fire. The first chapter is intended as an intro-



duction to the work, and contains an historical sketch of the origin and progress of this species of contract. Its origin, like the first beginnings of all the arts, is involved in much obscurity. Whether it was known to the ancients, or whether it was invented by the Jews on their banishment from France in the twelfth century, are questions of curiosity, and admit of much dispute. This author has avoided perplexing himself with the controversy, and considering insurance as the attendant of commerce, and as flowing from its necessities, he undertakes "to trace the progress of commerce, till it attained that height which rendered insurance necessary to its further advancement."

The Phœnicians, the Carthaginians, and the Greek states, "carried on foreign commerce to an extent which would have rendered it a subject of insurance, had this contract been already in use among them. But it seems extremely probable, that their maritime commerce was never of sufficient magnitude, nor sufficiently perilous, to oblige them to resort to insurance as a means of enabling private adventurers to carry it on."

The Romans were a nation of warriors, and being devoted to the acquisition of military glory, they naturally despised the arts of peace. It should excite in us therefore no surprise, that the pages of their classic writers contain no term descriptive of a contract, the protectress of an inferior art, which was carried on by their slaves and by the freedmen of the great.

To the modern nations of Europe, and to those events, which tended to revive learning and civilization, must we look for the cause of the revival of commerce. Wealth being the principal source of national power, its acquisition by peaceable and honest arts became an object of the study of statesmen, and the honours, which were formerly conferred exclusively on the soldier, now began to be shared by the merchant.

During the dark ages which succeeded the fall of the Roman empire, down to the twelfth century, all was Gothick barbarism in the west of Europe. Science, literature, commerce, were things unknown, or wholly neglected. Many causes at length contributed to revive the spirit of commerce, and renew the intercourse between nations.

The crusades, about the close of the eleventh century, opened a vast communication between Europe and the East. Constantinople, the capital of the Eastern or Greek empire, had escaped the ravages of the northern barbarians who had overthrown that of the West. It was still a great and commercial city, where the elegances of polished life yet remained; and this became the place of general rendezvous for the christian armies on their way to Palestine, or on their return from thence. And though the object of these expeditions was conquest, and not commerce, and though the issue of them proved unfortunate to these romantick and infatuated warriors, their commercial effects were beneficial and permanent. The crusaders brought back with them a taste for the refinements and luxuries of the East; and this soon created a demand, which could only be supplied by an extensive commerce with those parts.

The close of the holy war was followed by the invention of the mariner's compass, or at least its introduction into Europe, about the year 1260. This, with the consequent improvements in navigation, opened a wide field for maritime enterprise.



The feudal system which had been established in all the western parts of Europe by the northern conquerors, had, about this time, attained its greatest height, and the overgrown power of the nobles, its natural concomitant, while it held the great body of the people in slavery, controlled or gave law, even to the sovereign himself. To create some power that might counterbalance that of these potent vassals, it became the policy of the monarchs of Europe to erect communities or corporations in the considerable towns, with exclusive jurisdiction, and privileges which might protect the inhabitants from servitude, or dependence upon the neighbouring barons, or any other than the sovereign himself. This expedient was first adopted by Lewis the Gross, about the beginning of the twelfth century; and though an ancient French author calls it a new and wicked device to procure liberty to slaves, and encourage them to shake off the dominion of their masters, yet the effects of this measure soon justified the policy by which it was dictated. The towns became the asylum of the oppressed, the acquisition of liberty produced a spirit of industry; and commerce soon began to establish an intercourse between different nations.

The free states of Italy, which arose out of the ruins of the western empire, fought, by the arts of peace, to raise themselves to that eminence, which others had obtained by arms and conquest. During the 12th and 13th centuries, the commerce of Europe was almost entirely in the hands of these Italians, more generally known in those ages by the name of Lombards, of whom companies or factories settled themselves in almost every state in Europe, where they became the only considerable merchants and bankers, and in those times rivalled even the Jews themselves in the arts of usury. One of these companies settled in London, from whom Lombard-street, in that capital, took its name. The rival republics of Venice and Genoa, at this time, took the lead in commercial adventure. They brought the rich productions of India at first by a northern circuit, through the Caspian Sea to Astracan, and from thence by the Black Sea to Europe. The Venetians afterwards, hav-

ing obtained permission from the Pope to trade with the infidels, and from the Calif of Egypt, the liberty of trading on the coasts of Egypt and Assyria, opened a more direct communication with India, the trade of which they now wholly engrossed, and continued the most powerful maritime state in Europe, till the Portuguese doubled the Cape of Good Hope in 1497, and established an uninterrupted communication by sea, between Europe and the East-Indies.

Mr. Marshall then states the extreme probability, that insurance came into use in Italy about the end of the 13th century; and that after the advantages attending it came to be understood, it was thence transplanted into most of the countries, where the Lombards had established their trading companies. He then traces the progress of commerce among the cities in the north of Europe, which associated together for their mutual defence, and extended their wealth and their political importance under the auspices of the Hanseatic confederacy.

The Lombards continued to engross the carrying trade with England, notwithstanding the parliamentary attempts in the times of Edward III. and Richard II. to encourage the English navigation, and in opposition to the jealousy and remonstrances of the Commons. But

It may be recollected also, that England, from the time of the conquest, down to the time of Henry VII. was almost constantly engaged in foreign or domestick wars. The arts of peace were, during that time, exiled, as it were, from this country, and so remained, until they found in the comparative tranquillity of the reign of that cautious prince, a degree of protection, under which they began to acquire some portion of strength and stability.

Two great events also, which hap-



pened in this reign, gave to the reviving spirit of commerce, a new and extraordinary impulse. While the Portuguese were creeping along the coast of Africa, and slowly and cautiously exploring a passage by sea to India by the east, Columbus conceived the project of sailing thither by the west, and in the attempt discovered the West Indies, and the vast continent of America, in the year 1492. The Portuguese still persevered, and, in the year 1497, achieved their great design. Vasco de Gama doubled the Cape of Good Hope, and opened a passage by sea to India, China, and Japan. Europe now emerged out of that darkness, in which she had been involved from the subversion of the Roman empire. The arts awoke from a slumber of 12 centuries. So vast a field for foreign discovery and commercial enterprise was now opened to the view of the maritime states of Europe, that the thirst of military glory, so long predominant, soon gave place to the avidity of wealth, and a passion for adventure in the newly discovered regions. Colonization followed, and the English soon formed valuable settlements in the East and West Indies, and on the continent of America.

Having traced the growth of commerce and the corresponding improvement in the marine law, the author proceeds to consider that branch both of the law of merchants and of the marine law, which is denominated the law of insurance, and which was borrowed by the English from the Lombards. This law is to be found "in the marine law and in the custom of merchants, which may be collected 1st, from the ordinances of different commercial states; 2d, from the treatises of learned authors on the subject of insurance; and 3d, from judicial decisions in this country, and others professing to follow the general marine law and the law of merchants."

This author has in a satisfactory manner discussed in his second chapter, the question on the legality of insurances on the property of the enemies of the state in time of war. On the policy of such contract, political writers, as well as judges among commercial states, have differed in opinion. Bynkershoek, the eminent Dutch jurist, condemns such insurances, as contrary both to law and to good policy. He says, that while they do most certainly extend the commerce of the enemy, it remains extremely questionable, whether from such custom more gain than loss will result to the insurers, and therefore he concludes, "*quod quia hostibus est utile, et fere redundat in nostram necem, omni ratione prohibendum est.*" *Quæst. Jur. Pub. l. i. c. 21.*

In France, such insurance is unlawful. Valin, who wrote a learned commentary on the celebrated ordinance of the marine of Louis XIV. in reference to the conduct of the English, who constantly in the course of the war, which was terminated by the peace of Paris, in 1763, insured French ships and cargoes, whether destined for France, or for her colonies, or to the ports of her allies, or to neutral ports, observes, "that it is true, this did not prevent our ships when taken, being declared good prize; but the consequence was, that one part of that nation restored to us, by the effect of insurance, what the other took from us by the rights of war."

The practice of insuring the property of the enemies of the state, in time of war, arose in England, rather from a notion of



policy and expedience, than from any principle of law. Lord Mansfield thought, that such insurances were, in point of law, void ; but he considered that the law of England was, in this respect, impolitick and unwise, and therefore in trials on policies on enemy's property, he did all in his power to prevent, what he considered so dishonourable a defence being made.

However grateful it is to our indolence, to recline on the authority of precedents, more especially when they are fortified by great names ; yet it must ever be recollected, that judicial decisions are the sentiments but of men, and that there may be incorporated in them a portion of human error. A lawyer is bound to examine the foundation of solemn judicial decisions, and likewise the simple opinions of eminent judges ; and when he finds that they were not originally supported by good reason, or that their authority has been weakened or overthrown by time, he ought with modesty, but with firmness, to state the result of his investigation. In the long list of judges, who have adorned Westminster Hall, no name is more renowned and venerable, both at home and abroad, than that of lord Mansfield. But still we heartily approve of the following observations of Mr. Marshall on the sentiment and conduct of that judge on the above subject.

From this statement of the learned judge, (Sir Dudley Ryder) it is evident that he himself doubted, at least, of the legality of insurances on enemy's property, and that the opinion which he so anxiously fought, and which lord Mans-

field so studiously withheld, was, that, *in point of law*, they were void ; but that he thought the law of England was, in this respect impolitick and unwise.—Entertaining this opinion, it was certainly competent to him and Sir Dudley Ryder, *as members of parliament*, to argue against the policy of the law, when the question was agitated *there*, whether these insurances should be restrained by an express statute or not ; because every member of parliament has an undoubted right to call in question the wisdom, or the policy, of any rule of law, when he opposes the passing of a bill which is meant to enforce the observance of it. But to avow or insinuate, that it might, in any case, be proper for a judge to prevent a party from availing himself of an indisputable principle of law, *in a court of justice*, upon the ground of some notion of fancied policy or expedience, is a new doctrine in Westminster Hall, and has a direct tendency to render all law vague and uncertain. A rule of law once established, ought to remain the same till it be annulled by the legislature, which alone has the power to decide on the policy or expedience of repealing laws, or suffering them to remain in force. What politicians call expedience, often depends on momentary conjunctures, and is frequently nothing more than the fine-spun speculations of visionary theorists, or the suggestions of party and faction. If expedience, therefore, should ever be set up as a foundation for the judgments in Westminster-Hall, the necessary consequence must be, that as different men must often entertain different notions of expedience, that which to-day would be deemed law in one court, might be thought contrary to law to-morrow in another, or even in the same court. Indeed the learned judge himself has given us an instance of this ; for he says, that *in the present war*, he thinks the insurance of enemy's property *would not be expedient*, and yet he informs us, that lord Mansfield was of opinion that it was for the interest of the country, *in his time*, to encourage such insurances.

The third chapter is occupied “on the subject matter of marine insurances.” No contract of in-



insurance is valid, which is intended to protect risks, which are undertaken contrary to law. Because an engagement to do what is unlawful, is not a contract, and can raise no obligation. In the words of Mr. Park, at the conclusion of his twelfth chapter, "all insurances upon a voyage generally prohibited by law, such as to an enemy's garrison, or upon a voyage directly contrary to an express act of parliament, or to royal proclamation in time of war, are absolutely null and void." *System of the Law of Marine Insurances*, p. 243.

By the law of England, an insurance on a contraband trade is illegal, notwithstanding the nature of the trade was known to the insurer at the formation of the contract. At the trial, the insurer may avail himself of this objection. This privilege does not proceed from any disposition to favour him in preference to the insured, but from the general policy of the law, which will not lend its aid to a man, "who founds his cause of action upon an immoral or an illegal act." Roccus considers, that the insurer is not in such case discharged, unless he has had no notice of the illegality of the trade. But Bynkershoek holds, that the contract is void, even if in the policy it were stated, that the goods were contraband. In such cases, the performance of the contract depends on the mere will of the parties; and "*quod meræ voluntatis est in judicio defendi nequit.*"

Whether a trade prohibited by the laws of one country, may be the subject of a legal insurance in another, is considered in this

chapter; and on this question there has been much difference of opinion amongst writers on insurance. Valin insists, that an insurance on goods prohibited by the laws of another state, is valid, provided that the insurer was apprised of the contraband nature of the goods. According to Emerigon, goods may be insured in France, which are contraband only with respect to foreign countries, provided they are not so by the laws of France. But Pothier, who was swayed by a morality much more pure and elevated, combats this opinion, and insists, "that to carry on an illicit commerce in a foreign country, and to engage the subjects of that country to assist in so doing, is against good faith, and consequently, a contract made to favour or protect this commerce is peculiarly unlawful, and can raise no obligation."

But the law of England in this respect pays no regard to the revenue laws of other countries. On the authority of lord Mansfield, in the case of *Lever vs. Fletcher* at N. P. after Hil. 1780. Park, 237, if an insurer has with full knowledge of the fact, insured a smuggling trade with another state, it is a fair contract between the parties.

In further considering the subject matter of the contract of insurance, Mr. Marshall informs us, that the wages of seamen cannot legally be insured. The reason of this prohibition, as laid down by Bynkershoek, is, that it will tend to stimulate their best exertions in behalf of the ship and voyage. This is conformable to the policy of all maritime states,



which have generally not only prohibited insurance on the wages of seamen, but have enacted laws to restrain masters and owners from paying their seamen beyond seas above a certain proportion of the wages, which are then due to them. In most cases, the payment of the wages of seamen is made to depend on the successful termination of the voyage. The following case, decided in France, is quoted from Emerigon, and seems to have been adjudged upon sound principles.

A seaman, who was engaged for a voyage, while the ship was in a foreign harbour, threatened to leave her, unless his wages already earned were secured to him. The captain gave him a note, by which he undertook to pay him his wages then due to him at all events. The ship was afterwards taken.—The seaman, on his return to France, sued the captain on the undertaking. The captain alleged, that this undertaking was against law, and that he only gave it to prevent the seaman from deserting the ship.—This was considered as a just and proper answer to the seaman's demand, and his suit was dismissed with costs.

In England, freight may be insured, and this, according to the following passage from Roccus, Not. 96, is conformable to the practice in Italy. “*Locata navi pro asportandis frumentis in civitatem Neapolis dominus ipsius se affecurari fecit pro naulis ei promissis, et dum iter faciebat dicta navis, capta fuit ab inimicis; egit locator contra affecuratores pro solutione integri nauli. Decisum per Consulatam fuisse condemnatos affecuratores ad solvendum integrum naulum in casu prædicto.*”

To entitle the owner, however, to recover for a loss, on a policy on freight,  
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it must appear that, before the loss, the owner's right to freight had commenced; that is, that the ship had actually begun to earn freight, for till then the risk on freight does not commence. Therefore, if the cargo be ready to be put on board, but the ship is lost while preparing for the voyage, the insured shall not be entitled to recover for the loss of freight. But if part of the cargo be shipped, there is then an inception of the risk on freight, and the insured, upon a valued policy, shall recover for the whole freight. So, if the ship sail on her voyage to the port where she is to take in her cargo, this shall be a commencement of the risk on the freight, and if the ship be lost before her arrival at her port of loading, the insurer on the freight is liable.

It has never yet been decided in England, whether profit was *eo nomine* an insurable interest. In the case of a loss, it would be a most difficult thing to calculate the profit: and in estimating a total loss upon goods insured by an open policy, the profit has never been avowedly added, even where the loss has happened at the port of delivery.

We have now communicated to our readers the principal subjects of the three first chapters of this work, and have, by copious selections and by an analysis of some of the most interesting discussions, introduced them to an acquaintance with the style and manner of the author. If we find leisure we shall prosecute our review of this treatise, which is in our opinion well calculated to inspire a taste for the science of insurance. We recommend it to the patronage of the mercantile part of the community, and to the particular attention of law students.

To commerce we owe all the refinements and most of the con-



veniences of life. The invention of insurance affords to this source of national wealth and grandeur greater protection and encouragement, than can be derived from the establishment of numerous and powerful fleets. The study of its principles affords sincere delight and satisfaction, since they flow from the fountain of equity, and are calculated to inspire an exalted sentiment of the system of commercial law.

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ART. 18.

*The true reasons on which the election of a Hollis professor of divinity in Harvard college was opposed at the board of overseers, Feb. 14, 1805. By Jedidiah Morse, D.D. member of the board of overseers. Charlestown. Printed for the author. 8vo. pp. 28.*

THE object of this pamphlet is not a little singular. It is to prove, that it was the intention of Mr. Hollis, the founder of the professorship of divinity in the university of Cambridge, to confide that office solely to one professing calvinistick sentiments; that in the late choice of a professor, no evidence has been given of his being a Calvinist; and, consequently, that the nomination of the corporation, and the confirmation of the overseers have been improper, contravening the intent of the founder, and even subversive of the tenure of the bequest.

The title is not very correct, for though the pamphlet may set forth the "true reasons" upon which Dr. Morse and some others ground their opposition, yet it will not be pretended that *all* the

opponents acted under the influence of these reasons; political considerations, if we are not misinformed, were the cause of opposition with the majority.

The design of our fathers in the foundation of the university, it is justly remarked, was to give to religion the aid of learning; *Christo et Ecclesie* being the motto of the college arms. The principles of the founders were undoubtedly calvinistick; and of their zeal to perpetuate those principles there is sufficient proof. Mr. Hollis himself appears to have been much in the same sentiments with respect to doctrine; though we can by no means judge decisively upon that point from the extracts given by Dr. Morse. Except a general expression to Dr. Coleman, accompanying a present of the works of Calvin, "I imagine they will please you as they do me," of which we say only, *valeat quantum valere potest*, we see no expressions which an Arminian might not have used.

In his (Mr. Hollis) "Rules, Orders, and Statutes," relating to his professor, he is explicit in declaring what *shall* be his qualifications and principles, and in prescribing his duties. The *first* and *eleventh* articles declare what shall be his qualifications and principles.

I. "That the professor be a Master of Arts, and in communion with some christian church of one of the three denominations, Congregational, Presbyterian, or Baptist."

XI. "That the person, chosen from time to time to be a professor, be a man of solid learning in divinity, of *sound* or *orthodox* principles, one who is well gifted to teach, of a sober and pious life, and of a grave conversation."

The *second*, *fourth*, and *fifth* prescribe his duties.

II. "That his province be to instruct the students in the several parts of theol-



ogy, by reading a system of *positive*, and a course of *controversial divinity*, beginning always with a short prayer."

IV. "That the professor read publicly once a week upon divinity, either positive, controversial, or casuistical; and as often upon church history, critical exposition of scripture, or Jewish antiquities, as the corporation with the approbation of the overseers shall judge fit, always terms of vacation excepted."

V. "That the professor set apart two or three hours one afternoon in the week to answer such questions of the students, who shall apply to him, as refer to the system, or controversies of religion, or cases of conscience, or the seeming contradictions in scripture."

We subjoin here as explanatory of these articles (as we think Dr. M. in fairness should have done, instead of choosing to consider it separately) the "*Plan or form for the professor of divinity to agree to at his inauguration.*"

"That he repeat his oaths to the civil government, that he declare it as his belief that the scriptures of the old and new testament are the only perfect rule of faith and manners, and that he promise to explain and open the scriptures to his pupils with integrity and faithfulness, according to the best light that God shall give him. That he promise to promote true piety and godliness by his example and instruction; that he consult the good of the college and the peace of the churches of our Lord Jesus Christ on all occasions; and that he religiously observe the statutes of his founder, and all such other statutes and orders as shall be made by the college not repugnant thereunto."

And here naturally comes up to view the main point in the controversy, viz. what did Mr. Hollis mean by the phrase in the 11th article—"of *sound or orthodox principles*?" Did he, or did he not, mean that he should be of the principles commonly denominated *calvinistick*? These words were not used by the founder without meaning. They were carefully examined, not only by Mr. Hollis himself, but by a number of the most learned

divines, who had been educated at the first universities in Europe, and who must have perfectly understood the meaning of these terms. They evidently imply, that in the view of the founder, some sects of christians were *sound* or *orthodox*, and that others were *unsound* or *heterodox*. The latter he meant to exclude from his professorship. Will it be pretended that all sects of christians are orthodox; i. e. "sound in opinion and doctrine"? It is believed no one will avow this sentiment. Some then must be heterodox. But who are they? Not Calvinists, for they are universally distinguished, nay, sometimes reproached, by the term *orthodox*. To no other sect of christians has the term ever been applied. In all ecclesiastical history, the doctrines which Calvinists hold, as the truth of scripture, and which, for substance, are comprised in the articles of the Church of England, and the Assembly's Shorter Catechism, in which Mr. Hollis was educated, have been denominated the *orthodox faith*, in distinction from the doctrines of Arminius, Arius, and Socinus, and their followers. The term has never been applied to the faith of any of these sects of christians.

But if a doubt remain in the mind of any person, as to the meaning of these terms in the article before us, it must vanish when it is recollected what was the religious faith of the man who used them. Every man has a right to explain his own language; and certainly it would be very absurd to suppose that Mr. Hollis, by "*sound or orthodox principles*," meant Arminian, Arian, or Socinian principles, which are all essentially different from his own. The principles of these sects are the principles, beyond all reasonable doubt, which he meant to exclude from his professorship.

We agree that this is the main point of the controversy, viz. Whether Mr. Hollis, by ordaining that his professor should be "a man of sound or orthodox principles," meant to confine the choice exclusively to a Calvinist; and that, not only in the first instance, but in all future elections. Dr. M. says, the affirmative is



certain ; but this, in our opinion, he has by no means proved.

It appears indeed, with sufficient clearness, what tenets Mr. Hollis considered as "sound or orthodox," but it does not appear that he was guilty of the egregious folly of determining, that all electors of professor, through all future time, should be of precisely the same opinion with himself. The words, we admit with Dr. M. "were not used without meaning." On the contrary, they appear to us the result of much deliberation, and to have been very happily selected. Mr. Hollis wished to guard against licentiousness and irregularity ; he probably wished also to avoid imposing fetters upon the understandings and consciences of his successors ; a proceeding, which his own observation of the state of religious opinions in the circle of his particular friends must have proved to him both unjust and inefficient. He chose therefore terms of *general signification*. He knew, (what Dr. M. seems not to recollect) that all sects of christians consider themselves as sound, or, synonymously, as orthodox ; and therefore left the corporation and overseers to elect any person, whom they should conscientiously consider as "sound or orthodox."

This we believe was the intent of the founder, and in no other sense can the words be understood. If Mr. Hollis meant to impose upon the college, at every election, a man of one particular set of opinions, instead of using words admitting such latitude of interpretation, why did he not, as Mr. Henchman has done,

make some such article as the following... "The professor of divinity shall profess and teach the principles of the christian religion according to the well known confession of faith drawn up by the synod of the churches of New-England" ; or—according to the principles of the Westminster confession ; or—according to the doctrinal articles of the church of England ? The necessity of some such precise mode of expression could not have escaped Mr. Hollis. That he did not use it is very fair proof that he did not mean to tie down the electors to the exclusive choice of a calvinistick professor.

Our limits do not permit a farther investigation of this subject. Strong proof however, if we mistake not, may be produced ; and we wish that some son of Harvard, zealous for the honour of his Alma Mater, would vindicate the liberality of her statutes, and rescue the character of this excellent and liberal benefactor of the university from an imputation so disgraceful. We have always understood that Mr. Hollis was a liberal-minded man. It appears, that tho' a Baptist, he did not require his professor should think with him in that particular. The learned Dr. Jeremiah Hunt was his pastor and confidential friend, and was particularly consulted upon the establishment of the professorship ; Dr. Hunt, who voted against subscribing that article of the Westminster confession declarative of a belief in the Trinity ; who justly thought that the bible *only* ought to be the religion of protestants, and especially of protestant dissenters from



the established church; and nobly declared, that he would sign NO ARTICLES not expressed in scripture language. Is it probable such a man would bind the electors to choose their professor from a particular sect, and that through every age, whatever changes of opinion might take place? Is it probable that a man, a dissenter from the national church, itself dissenting from the religion of its former days, would conceive it reasonable to bind the most worthy and intelligent men of a distant age and country always to choose the instructor of their youth, and the father of their churches, from the narrow limits of his own small sect? The thing is not to be presumed. The professor was to declare it as his belief "that the scriptures of the old and new testament are the only perfect rule of faith and manners, and promise to explain and open the scriptures to his pupils with integrity and faithfulness, according"—to what? to the Westminster confession of faith? to the synod of New England? to the articles of the English church? No—"ACCORDING TO THE BEST LIGHT THAT GOD SHALL GIVE HIM."

With the precise sentiments of the respectable man who is chosen and confirmed as professor of divinity, we are unacquainted. Dr. M. complains of want of information upon this subject.

It was observed that the candidate had not been examined by the corporation, and the propriety of such a procedure was doubted. The *right* to examine, indeed, was denied. The particular religious principles of the candidate, though often asked for, were not disclosed, and are, it is believed, still un-

known to a great part of the members of the Board, except so far as they may be inferred from the silence of his friends, from negative evidence, and from his catechism. It was particularly asked by one of the honourable members of the senate, whether the candidate was a believer in that important doctrine, the divinity of the Lord Jesus Christ? The reply conveyed no precise or satisfactory answer on that point. While thus ignorant of the "*principles*" of the candidate, how could the board determine whether or not they were "*sound or orthodox*," whatever be the meaning of these terms? From the catechism published by the candidate, it was inferred, that he was not a Calvinist; that his sentiments on important points, such as the depravity of human nature, the impotency of man, the character of Jesus Christ, and the future state of the wicked, were widely different from those of Dr. Watts, whose catechism he professedly followed, as his "*model*," in compiling his own, so closely, indeed, as in general to adopt the same questions and answers.

It is probable the corporation and overseers wisely thought, that the character and principles of a candidate could be more certainly understood from his publick services and private conversation, than from answers to the few questions which might be asked; and were more desirous that he should be "*of Christ*," than anxious to ascertain, whether he were exclusively "*of Paul, of Apollos, or of Cephas*."

Dr. M. allows that the opposition to Mr. Ware was rested solely upon his not being proved of sound or orthodox principles.

His character as a man, a scholar, and a citizen, was treated with the utmost respect. *p.* 21.

Why did not Dr. M. add—as a christian; or do he and his friends think, bona fide, that a



man cannot be a good christian without being a good Calvinist ?

It is proper in this place to notice a misrepresentation, which has gone abroad, in respect to the views of the minority, in opposing the election of Mr. Weare. A writer in the Anthology of February, before alluded to, would have it understood, that the election of this gentleman to the professorship, was opposed *merely* because he was not a Calvinist, and that this conduct is "uncandid and intolerant."

This passage we do not perfectly comprehend. If we understand the drift of Dr. M's pamphlet, it is to prove, that no one but a Calvinist is eligible to the professorship. If Dr. M. opposed the late candidate solely because he thought him ineligible according to the statutes of the founder, to *him* the charge of want of candour does not apply. Fiat justitia. But we agree with the writer of that article in styling those, who, upon other grounds, would limit the choice to a member of one particular sect, "uncandid and intolerant."

It is asserted, that Dr. Wigglesworth and his son were Calvinists. This admits of doubt. To those who choose to investigate the point, we recommend the examination of a MS. essay in the hand writing of Dr. W. sen. presented by his son to the college library. We have been informed that though a Calvinist in early life, he saw reason to change his sentiments. Several gentlemen who knew the late Dr. W. most intimately, assert positively, that *he was not a Calvinist.*\*

\* As Dr. M. seems to lay a stress upon an *examination* of the professor, it may be proper to state, that no examination, in his sense of the word, took

But these are matters of little importance.

The following extract from the concluding sections of the pamphlet, contains, it will be seen, charges the most severe, and insinuations the most pointed, against the electing members of the corporation and overseers. As however, in our opinion, the premises are not proved, these will drop harmless to the ground,

*Telum imbellis sine ictu.*

We have seen the singular anxiety and caution of Mr. Hollis by his *letters*, and by a *bond*, to secure the object of his Foundation, and to guard his professorship against error and innovation in all future time. Now if barriers so sacred can be removed, what guard can be devised, which shall secure any bequest against violation? What assurance can any well disposed persons in future have, that any donations, they may wish to make to Harvard College, will be applied to their objects, even one century? How this will affect future benefactions it is easy to predict. What effect this change in the religious character of the professorship, and of the university will gradually and ultimately produce in the state of our churches, and on the religious and moral character of our citizens, cannot with so much certainty be foreseen. In respect to New England it is an untried experiment. God forbid, that this change should be injurious and ruinous; that in consequence, the faith of our churches should become less pure, their discipline less strict, the standard of christian morality lowered, the difference lessened between those who professedly serve God, and those who avowedly serve

place at the election of Dr. Tappan. The sentiments of an eminent clergyman must be known from the general tenour of his public discourses; and if the boundary-lines of opinion be not in every instance distinctly marked, we know not that any injury is derived from that circumstance, either to orthodoxy or charity.



him not ; till at length the spirit and power of our religion shall have evaporated, and its very forms be abolished.

"For CHRIST and the CHURCH," was this ancient college founded by men, whom we delight to call our Fathers ; "for CHRIST and the CHURCH" has it hitherto been cherished, instructed, and governed, by men of like christian principles and spirit ; "for CHRIST and the CHURCH" oh may the God of our Fathers, who still lives and reigns, in mercy preserve it, so long as the sun and the moon shall endure !

The concluding wish we fervently reciprocate ; and while men, every way so worthy as the professor elect, are chosen to the instruction and government of our university, we shall have good hopes of the spread of sound religious principles, and of the prevalence of real orthodoxy.

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ART. 19.

*Cautions to young persons concerning health in a publick lecture delivered at the close of the medical course in the chapel at Cambridge, Nov. 20, 1804 ; containing the general doctrine of chronic diseases ; shewing the evil tendency of the use of tobacco upon young persons ; more especially the pernicious effects of smoking cigars ; with observations on the use of ardent and vinous spirits in general. By Benjamin Waterhouse, M. D. &c. &c. University Press, Cambridge. 8vo. pp. 32.*

THE object of this lecture is sufficiently detailed in the title page. The general doctrine of chronic diseases is briefly summed up in the following paragraph.

Chronic diseases are those, that come on slowly, and continue long. We place under this head, *depraved appetite, jaundice, and the long and gloomy train of nerv-*

*ous disorders.* To these we may add *gout, asthma, palsy, and apoplexy* ; as well as that imbecility or morbid derangement of the absorbent system, occasioning *dropfies* ; which is accompanied by that generally depraved habit of body, known among physicians by the name of *cachexia* ; all of which are owing to *chronic weakness* ; the source of which is an imbecility of the digestive organs, occasioning errors in "the first concoction," which deranges the whole chain of processes, occurring between chylification and sanguification.

As this lecture was not delivered to a medical class alone, but to all the students in the university, it is possible that the professor did not think it necessary to be accurate in delivering medical opinions. Had it been otherwise, we might remark that his doctrine is more recommended by its simplicity, than by its perfect accordance with observation. That an imbecility of the digesting organs is often a predisponent cause, and that it is a frequent symptom, where it is not a cause, of chronic diseases, may be freely admitted. But if we understand rightly the reference of the words "all of which," the professor considers an imbecility of the digestive organs the source of all chronic diseases.

Dr. Waterhouse has certainly done well in exhorting young men to be temperate. Health cannot be too highly estimated ; nor can the abuse or the neglect of it be too severely deprecated. We agree with him most fully in condemning the liberal use of tobacco, which fashion has introduced ; but further evidence must be offered to prove us that smoking causes consumptions ; or that the recent deaths in our university are fairly to be charged to this



noxious plant. Reasons powerful and sufficient are opposed to the use of tobacco, without straining the evidence against it; and our duty obliges us to express our dissent to an opinion, which we do not believe to be correct.

While we censure some parts, we commend the object of the work; and recommend the perusal of it to all classes of society.

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ART. 20.

*The doctrine of predestination unto life explained and vindicated, in four sermons, preached to the church of Christ, meeting in Brattle-street, and published at their general desire: with some additional passages and quotations. By William Cooper, one of the pastors of said church. With a preface by the senior pastors of the town of Boston. pp. 132. Second edition. Boston. Printed and sold by E. Lincoln. 1804.*

WE could not read the title page of this little volume without exclaiming with Tacitus, "rara temporum felicitate, ubi sentire quæ velis, & quæ sentias dicere licet." We may now inquire without fear, and communicate the results of our researches without suffering persecution.

Referring to his text, the author observes,

It is here said of a number of the children of men, as distinguished from the rest, that God has foreknown them. And this foreknowledge implies choice; his having pitched upon them to be the objects on whom his redeeming grace shall be glorified. p. 9.

And in p. 14 he says,

Nor is it a doctrine purely speculative; no, it has powerful influence upon vital religion and practical godliness. It has a direct tendency to advance the

glory of God's grace in our salvation, to humble the pride of man, to engage the love, excite the praises, and constrain the obedience of God's children.

In these words is comprised his view of the doctrine of predestination; and of its correctness we must leave our readers to judge. The first pages of the work will secure for it the favourable reception of all the followers of Calvin; while those, who admit the use of reason in their inquiries for religious truth, will be discouraged from entering an edifice, the vestibule of which is enveloped in so thick darkness.\*

The elect are not predestinated unto life, provided they perform the conditions of salvation, do believe in the Lord Jesus Christ, and are holy, in which they are left entirely to their own will and choice. No; the predestination we are speaking of, is no such conditional, uncertain thing as this makes it to be. The objects of it are by one determinate decree appointed to a certain salvation, which they shall obtain through faith and sanctification, which are given them in consequence of the decree." p. 20.

If this be a just view of the christian dispensation, why did our Saviour and his apostles call on *all men* to come to the knowledge of the truth and be saved? Why do the ministers of this religion, in the name of their Master, require all men to be holy, and assure salvation to all who will comply with the conditions of its attainment? If, by an irreversable decree, it be *persons* who are predestinated, called, and chosen, and if faith and sanctification be

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\* Christians who are desirous of obtaining information on this long contested subject, are advised to the perusal of "A key to the apostolick writings," by J. Taylor of Norwich. It is contained in the 3d vol. of Watson's tracts.



given to them in consequence of this decree, why urge the wicked to penitence and reformation, or the good to perseverance? Surely St. Paul has subjected himself to the imputation of absurdity in the caution, *let him that thinketh he standeth take heed lest he fall*; and if any one has not a certainty of his election, he is very unwise to deny himself and to take up the cross. The advocates of this interpretation of the doctrine will deny that these are just conclusions from it; but their simple denial proves no more than their simple affirmation.

Having "represented and stated the truth of the doctrine" in the first discourse, he endeavours, in the second, to "establish the point, that a certain great and glorious number were elected by God, in his eternal counsel and purpose, from the rest of fallen mankind, to be in time effectually called and justified, in order to their being finally brought to eternal life and glory, and this out of his mere good pleasure, and for the praise of his glorious grace." p. 33.

The design of the third discourse is,

To clear this truth of some *misrepresentations* made of it; and to give an answer to the *objections* commonly made against it. p. 74.

And it is the object of the last discourse to expose

Some of the absurd consequences which follow upon the denial of this doctrine, and the *difficulties* with which the contrary scheme labours, and with which they are embarrassed who are on the other side of the question. p. 105.

We revere the memory of the venerable author of this little  
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tract; but we think he has not obviated the "objections" which he has stated; nor are we less "*embarrassed*" by the "*difficulties*" of his, than of the "contrary scheme." Though few subjects have been controverted with more asperity, the language of Mr. C. is mild and gentle; and those who have adopted and are determined to retain his interpretation of this doctrine, will find his book a valuable manual.

ART. 21.

*The speeches at full length of Mr. Van Ness, Mr. Gaines, the Attorney-General, and Gen. Hamilton, on the great cause of the People vs. H. Croswell, on an indictment for a libel on Thomas Jefferson, president of the United States.* Hudson, N. Y.

THE prosecution of the editor of the Wasp, for certain animadversions in his paper against Mr. Jefferson, president of the United States, and the very extraordinary manner in which that prosecution was conducted by the attorney-general of New York, Mr. Spencer, excited at the time an extreme degree of interest which this publication may serve to perpetuate. The remarks in the Wasp were these.

Holt, the editor of the Bee, says, "the burden of the federal song is, that Mr. Jefferson paid Callender for writing against the late administration." This is wholly false. The charge is explicitly this, Jefferson paid Callender for calling Washington a traitor, a robber, and a perjurer; for calling Adams a hoary-headed incendiary; and for most grossly slandering the private characters of men, whom he well knew were virtuous. These charges not a democratick editor has yet dared or ever will dare to meet in an open and manly discussion.



The indictment stated that Croswell himself said "Jefferson paid Callender for calling," &c.; thus making that the defendant's own charge, which in fact he had merely stated to be the federal charge. This difference was suggested by Croswell's counsel, but disregarded by the judge. On the first hearing, at a court of general sessions for Columbia county, the counsel for Croswell moved for a continuance, on the ground that Callender, a material witness, was absent. The affidavit of the party was filed, stating, that he expected to prove by him the truth of the charges set forth in the indictment; but the court overruled the application, saying, that in their opinion the witness was not material, and could not be sworn if present, since *the truth was no justification on indictment for libel*. We will not here deny the correctness of the opinion of the honourable judge; but as in charity to the president we were bound to suppose the charge to have been false, we cannot but regret that the attorney-general, whom we understand to be a personal and political friend of the president, could not have been persuaded to *dispense, in this instance*, with the strict, rigid rule of the law, and before a court of justice to have proved the falsehood of a charge deeply implicating the character of Mr. Jefferson, and thus to have effaced a blot on his character that has now become indelible.

After the application was overruled the judge directed the jury, after the manner of Mansfield, "to find only the fact of the publication, and the truth of the innuendoes." The question of intent

and libel, or not, was "to be decided *exclusively by the court*, and therefore it was not his duty to give them an opinion." The proceedings were afterwards carried by certiorari to the supreme court. Here a motion was made for a new trial on six distinct grounds; the first of which was, that the trial ought to have been put off, in order to give an opportunity to the defendant to procure the testimony mentioned in the affidavit. This necessarily involved the question, whether truth be a justification on indictment for libel, which is really the point most laboured in argument by Messrs. Van Ness, Harrison, and Gen. Hamilton, for Croswell—Mr. Caines and the Attorney-General, for the prosecution.

The argument of Mr. Van Ness is neat, luminous, and impressive. Little is wanting, nothing redundant. The opening of the prosecution was assigned to Mr. Caines. When we observe that his argument covers above twenty octavo pages, our readers will perceive the first fault. This gentleman suffers for want of neatness and method, yet is not without eloquence. The argument of the Attorney-General and Mr. Harrison are what might reasonably be expected from gentlemen of their established reputation for talents, learning, and forensick elocution.

In the speech of Gen. Hamilton we do not see that decided pre-eminence over his antagonists and associates, which that gentleman was universally allowed to possess; yet we have understood from those who were present at the trial, that General H. who was always "the pride



of the bar and the admiration of the court, whose apprehensions were quick as lightning, and whose developement of truth was luminous as its path," on this occasion excelled himself; and that we can form no idea of the original speech from the one which appears in the publication.

We recommend this pamphlet to our readers as a learned discussion of the common law doctrine on the subject of libels.

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ART. 22.

*An address to the people of Massachusetts.* Boston. 8vo. pp. 32.

*An appeal to the old whigs of New Hampshire.* Portsmouth.

THESE are occasional pamphlets published for general circulation among the people previously to the election for governor in New Hampshire and Massachusetts, and written by men belong-

ing to the two powerful parties which have long divided this country. Between the political sentiments which these writers advocate, and the characters of the gentlemen they recommend to the suffrages of their fellow citizens, there is as deep a gulf placed as there was between the rich man tormented in hell and Lazarus blessed in Abraham's bosom. Whatever satisfaction as Americans we may derive from the freedom we will enjoy of expressing our political opinions on subjects which involve the welfare and happiness of our country, in our characters as reviewers it would not become us to enter into discussions of political men or measures; but we most fervently pray that such measures may be always adopted, and such men elected to offices of honour and responsibility, as will promote the honour and glory of our country.

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MONTHLY CATALOGUE  
OF NEW PUBLICATIONS IN THE UNITED STATES,  
FOR MARCH, 1805.

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SUNT BONA, SUNT QUÆDAM MEDIOCRIA, SUNT MALA PLURA.....MART.

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*New Works.*

Notes on all the books of scripture, for the use of the pulpit and private families. 8vo. vol. 4th. By Joseph Priestley, LL. D. &c. Northumberland, printed for the author, by Andrew Kennedy. The 3 first vols. were published during the years 1803 and 4. 7 dls. 50 cts. boards.

Life of Washington, vol. 3.

A selection of pleadings in civil actions subsequent to the declaration, with occasional annotations on the law of pleading. By Joseph Story. 8vo. B. B. Macanulty, Salem.

Cases argued and determined in the court for the trial of impeachments and correction of errors, in the state of New York. By Geo. Caines, counsellor at

law, and reporter to the state. 8vo. J. Ripley & Co. New York.

The art of writing reduced to a plain and easy system on a plan entirely new. In seven books. By John Jenkins, writing master.

The Philadelphia Medical and Physical Journal. Part 2—Vol. 1. Collected and arranged by B. S. Barton, M.D. 1 dol. in boards. Conrad & Co. Phila.

*New Editions.*

1st volume Rollin's Ancient History. 12mo. Boston. Munroe & Francis. 75 cts. per vol. to subscribers. To be completed in 8 vols.

1st and 2d vols. of Gibbon's History of the decline and fall of the Roman empire. 8vo. 2 dols. per vol. to subscribers. To this American edition will



be annexed memoirs of his life. Philadelphia, Small & Co.

1st vol. of Orton's Exposition. 8vo. S. Etheridge, Charlestown. 1,75 cts. to subscribers. Completed in 6 volumes.

2d vol. Scott's Commentary on the Old and New Testament. Philadelphia, W. W. Woodward. 6 dols. per volume. To be completed in 4 vols. 4to.

*By Subscription.*

A statistical manual for the United States of America, containing a series of concise and comprehensive tables, comprising the most important national information attainable for a succession of years down to the year 1805; from the most accurate publick and private documents extant, relative to the progressive rate of increase of these states in their population and general wealth, and a general statistical atlas; with notes illustrative and explanatory. By Samuel Blodget, jun.

*Pamphlets.*

Defence of Young and Minns, printers to the state of Massachusetts, before the committee of the house of representatives; with an appendix, contain-

ing the debate, &c. Boston. Gilbert & Dean.

The Philadelphia Pursuits of Literature, a satirical poem, by Juvenal Junius, Esq. of New Jersey: with copious notes. Philadelphia.

The true reasons on which the election of a Hollis professor of divinity in Harvard College was opposed at the board of overseers, Feb. 14, 1805. By J. Morfe, D. D. member of the board. Charlestown; for the author. 20 cts.

An essay on the modes of adjusting particular averages, arising out of the case of Johnston vs. Shedden. By T. Strickland of Liverpool. Philadelphia, J. Humphreys.

A Sermon on the second coming of our Lord Jesus Christ, and on the general or last judgment; delivered before both Houses of Congress in the city of Washington, by J. Hargrove, minister of the New Jerusalem church. Baltimore.

The mode and subjects of baptism examined, in seven sermons. To which is added, a brief history of the baptists. By Daniel Merrill, A. M. pastor of the church in Sedgwick. Boston, Manning & Loring. 37½ cts.

## LITERARY INTELLIGENCE.

FROM BRITISH PUBLICATIONS.

Among the literary curiosities of the present year, the life, correspondence, and papers of the late celebrated John Wilkes will hold a distinguished place in the republick of letters. Mr. John Almon, author of the life of Chatham and other works, many years the publisher and intimate of Wilkes, has obtained from his family, and from the executors of Miss Wilkes, all the letters and literary remains of that extraordinary man. Several noblemen and gentlemen, friends of Mr. Wilkes, have also sent contributions of letters and papers to enrich the proposed work. These highly curious and interesting papers Mr. Almon intends to publish in four or five elegant volumes, to which he will prefix a full and accurate life of Mr. Wilkes, embellished with various engravings.

The memoirs of the late Gilbert Wakefield, chiefly collected by himself, in two vols 8vo. were advertised in London for publication in Oct. last.

Dr. Bissel is engaged on a novel, in which he proposes to expose "the craft of methodism."

The publication of the memoirs of the life and writings of the Rev. Hugh Farmer may be soon expected. A new edition of the works of Ben Jonson, with a life, is preparing for the press by a gentleman of London.

Kotzebue, having visited Paris in the spring of 1804, has written an account of his journey, of which a translation will soon appear in London.

A splendid work has appeared in England under the title of modern London. It consists of a systematick account of the present state of the British metropolis, illustrated with a great number of uncommonly beautiful engravings.

A new edition of Pope's works, with additions and new illustrations, is in a course of preparation by the Rev. Lisle Bowles, author of sonnets, &c. &c.

William Gifford, Esq. the translator of Juvenal, has completed his prepara-



tions for a new edition of Massinger. A very accurate collation has been made of the early editions, which abundantly prove, that the text is exhibited in a most corrupt and mutilated state in the publications of Coxeter and Monck Mason. Mr. Gifford has accompanied each piece with notes, critical and illustrative, and subjoined to each play a critique on its merits and defects. Mr. Malone has communicated a curious and copious fragment of an unpublished play of Massinger. It is only a fragment, for the bottom of each page of the manuscript is mouldered away by length of time.

From a catalogue annexed to the Journ. Gen. de la Literature de France, it appears, that in the year 1804 there were published in France 1001 books. Of these 175 treated of natural history, botany, chemistry, physics, medicine, and mathematics; 71 of the mechanick arts, manufactures, politicks, statisticks, military tactics, &c.; 294 belonged to the department of history, biography, geography, law, ethics, and religion; 849 are to be classed under the head of belles lettres, 108 of them being tales or novels. The remaining 112 consisted of miscellaneous and bibliographical works, dictionaries, &c.

A novel, from the pen of Mr. Godwin, was promised in London to appear before last christmas.

A Paris paper says, that M. de Humbolt, correspondent of the Institute had read, at the last sitting of the class of physics and mathematics, a third memoir on the journey he had performed with M. Bompland, in the interior of middle America and Mexico. In the 1st he had traced the observations made in the Atlantic ocean, at the summit of the Peak of Teneriffe, and in the province of New Andalusia. In the 2d he had remarked his operations in the province of Venezuela, and the plains of Caribozo, where he had made some curious experiments on the *Synodus electricus*. In the 3d memoir he has presented an abridged summary of his navigation on the Oronoko, the Rio-Negro, and the Carliquiare, a dangerous navigation performed to determine astronomically the communication of the Orinaro with the river Amazon. These memoirs, which comprise every thing interesting in those countries, that relates to geography, botany, mineralogy, and the moral history of man, will be shortly printed. An artist has already commenced the engraving of several designs of M. de Humbolt.

### AMERICAN LITERARY INTELLIGENCE.

We are very glad to learn that the design of republishing Collections of the Massachusetts Historical Society, which had been relinquished for want of encouragement, is resumed. The expense will be defrayed by the funds of the society, who will trust to the sale of the work for a reimbursement. It is intended to reprint at present the three first volumes only, which are out of print. The first numbers of this valuable work, which were originally published in the American Apollo, can now be found only in the library of the society, or in the few sets owned by the members.

Proposals have been issued at Portsmouth N. H. for a periodical work to be called the Piscataqua Evangelical Magazine. This work will be under the direction of the Piscataqua Missionary Society. It is to be published every two months, and each number is to contain 40 pages.

The first and second numbers of the Assembly's Missionary Magazine have appeared at Philadelphia. It is published under the patronage of the general assembly of the Presbyterian church in the United States.

The following advertisement appeared in a late Philadelphia paper:

*Dr. Rees' New Cyclopaedia.* Samuel F. Bradford is now preparing for the press, the new Cyclopaedia, or universal Dictionary of Arts and Sciences, in twenty volumes quarto; formed upon a more enlarged plan of arrangement than the dictionary of Mr. Chambers. Comprehending the various articles of that work, with additions and improvements, together with new subjects of biography, geography, and history, and adapted to the present improved state of literature and science. By Abraham Rees, D. D. F. R. S. editor of the last edition of Chambers's Dictionary, with



the assistance of eminent professional gentlemen. Illustrated with new plates, including maps, engraved for the work by some of the most distinguished artists. The whole improved and adapted to this country by gentlemen of known abilities, by whose aid it will be rendered the most complete work of the kind that has yet appeared. A prospectus of the work will be ready in a few days.

An edition of Johnson's dictionary, abridged, including however the preface to the folio edition, is about to be published by J. Johnson, Philadelphia; to be improved by the standard of pronunciation established by Walker's dictionary; "but where words occurred, not to be found in that, (of which the instances were numerous) other sources have been investigated, particularly Marchbank's 4th edition of 1798, and the pronunciation of those words carefully regulated by Walker's directions." The editor promises that this edition in point of correctness shall have the advantage of every other.

W. W. Woodward, of Philadelphia, has issued proposals for publishing Adams's lectures on natural and experimental philosophy, revised, corrected, and considerably enlarged by Robert Patterson, professor of mathematicks and (pro tem.) teacher of natural philo-

sophy in the university of Pennsylvania. The publisher is now waiting for a new edition of the work coming out in London, by Jones.

Proposals for publishing by subscription in monthly numbers a work entitled *Amœnitates Graphicae*, or instructive and amusing collection of views, animals, plants, flowers, fruits, minerals, antiquities, costumes, and other interesting objects; carefully selected and engraved, either from drawings after nature, or from the best representations of those objects; with descriptive and explanatory sketches in English and French. The whole calculated to excite in youth of both sexes a taste for useful and ornamental knowledge, and to assist the cultivation of the same as well as the cultivation of the languages in which the sketches are written. The descriptive and explanatory part by L. H. Girardin, professor of modern languages, history and geography, in William and Mary College. The engravings by Frederick Bosler. A preliminary and separate number is already issued as a specimen of the work.—*P. Fol.*

The Literary Magazine at Philadelphia, seems to be in a state of progressive improvement, and we hope of increasing patronage.

## Necrology ;

OR NOTICES COLLECTED OF PERSONS RECENTLY DECEASED AT HOME AND ABROAD.

*"Blessed are the pure in heart : For they shall see God."*

At Londonderry, N. H. on the 4th of March, Mr. DAVID ADAMS, jun. senior sophister of Harvard University, Æt. 22.

When the eminently good are removed from this world, an account of their characters becomes interesting, and may be useful not only to their friends, but to the publick.

Especially when the young, distinguished by uncommon piety, and purity of life, are taken away, an example is afforded us, which the duty we owe to heaven and ourselves directs us seriously to notice, and rightly to improve.

Seldom do we witness a life so pure, and a death so happy, as were exhibited

by this truly excellent and amiable young man. Possessing the most placid and affectionate disposition, united to a strong and cultivated mind, he attracted the esteem, and conciliated the affection of all, who knew him. Distinguished by uncommonly correct principles, his life was untainted by the vices, and unspotted by the irregularities of youth.

He was a pattern to his youthful companions of regularity of life, and purity of manners; and by his excellent and seasonable advice diverted many from levity and excess.

A stranger to anger and revenge, he never knew an enemy, and never lost a friend. The constant and benignant smile on his countenance denoted the habitual serenity of his mind.



In his collegiate connections, he was respectable as a scholar, and amiable as a man, esteemed by his instructors, and beloved by his class-mates. Their sense of his merits, and affection at his death have been recently displayed, by a dear and intimate friend, in a just and affectionate tribute to his memory. Habits so regular and manners so amiable would appear to many a sure presage of a happy death and glorious immortality. But, while grateful to an overruling providence for preserving him from many enormities of vice, this exemplary youth deeply felt the wickedness of his heart. He placed no dependence on his past life, but trusted in that precious blood, which only could cleanse him from sin, and in the influences of that blessed spirit which only could renew his heart. That he experienced the riches of divine grace through Jesus Christ, his constant and fervent prayers, his love to God, and lively hope afford his Christian friends the most pleasing and ample testimony.

Uniformly calm and rational, no one who knew him, ever thought him bigotted or superstitious. His opinions were the result of an habitual and deliberate examination of the scriptures, and his feelings the effect of divine grace upon his heart.

The morality of his life, united to the religion of his heart, renders him a striking example to youth, and especially to those, who knew him, and were intimately connected with him.

O may this solemn providence be religiously improved; may it arrest the thoughtless, and reclaim the vicious; and may it teach those, who are distinguished by regular and moral habits, and are yet strangers to holy affections, the infinite importance of an interest in *redeeming love*.

In England, the Most Rev. Father in God, Dr. John Moore, Lord Archbishop of Canterbury, Primate of all England, æt. 75. He is succeeded in his office by Dr. Sutton, late bishop of Norwich.

ERRATA LAST MONTH.

P. 27, note \*, for *Grotius de Ventate*, read *Grotius de Veritate*. For *Hindu's*, r. *Hindu chronology*. P. 68, note †, for *Bochartes*, r. *Bochartii Phaleg*. P. 69, l. 26, for *these philosophers*, r. *their philosophers*.

MEDICAL REPORT.

STATEMENT OF DISEASES FOR MARCH.

Some pneumonic affections have been observed. Rheumatism as usual at this season; and cases of erysipelas and of abscess. Icteric cases and some dyspeptic complaints begin to be seen. A few instances of typhus gravior have occurred during this month. On the whole the town is very healthy.

There exist a greater number of vaccinated patients than during the 2 or 3 months past.

STATEMENT OF BIRTHS AND DEATHS IN BOSTON IN MARCH, FROM THE RETURNS OF 18 PHYSICIANS.

BIRTHS.

Males . . . . . 34 Still born . . . 6  
Females . . . . . 36  
Sex unreturned . 6

Total . . . . . 76

DEATHS.

	M.	F.
Aptha		1
Atrophy	1	
Convulsions, 50		1
Croup, 1		1
Consumption, 19, 39, 42, 24, } 38, 22, 64 }	3	4
Drowned, 7	1	
Dysentery, 88		1
Fracture of the skull, 10	1	
Intemperance, 39	1	
Infantile complaints, 5d. 9d.	3	1
Pneumonia, 48, 8, 1	1	2
Scirrhus of the stomach, 4	1	
Scrophula, 6m.		1
Typhus gravior, 28, 30	3	
Typhus mitior, 6		1
	15	13
Total		28

RETURNS FROM 3 PHYSICIANS, OMITTED LAST MONTH.

BIRTHS.

Males . . . . . 11 Still born . . . 2  
Females . . . . . 8

Total . . . . . 19

DEATHS.

	M.	F.	U.
Atrophy, 79	1		
Consumption, 17		1	
Consequence of a burn, 4			1



# METEOROLOGY from February 25 to March 25.

Day	Clock.	Barom.	Therm.	Wind.	Weather.
26	8	30	37	N	A little rain and snow A.M.—After 3 P.M. fair and clear.
	2	30,1	37	NE	
	ss.	30,1	34		
	10	30,2	32		
27	8	30,2	33	W	Fair morning. Cloudy P. M.
	2	30,2	49	WSW	
	ss.	30,1	38		Cloudy.—Fair towards sunset.
	10	30	36		
28	8	30	38	W	
	2	30	48	NW	
	ss.	30	39		
	10	30	33		
1	8	30,1	32	WSW	Fair and clear.
	2	30	49	W	
	ss.	30	45	SW	
	10	30	36		
2	8	29,9	34	W	Fair and clear.
	2	29,8	54	WSW	
	ss.	29,8	48	NW	
	10	29,8	41		
3	8	29,9	41	NW	Fair and clear.
	2	29,9	50		
	ss.	30	42		
	10	30	34		
4	8	30,1	34	NW	Fair and clear.
	2	30,1	47	SE	
	ss.	30,1	42	SW	
	10	30,1	35		
5	8	30,1	36	WSW	Fair and clear.
	2	30,1	55	SSW	
	ss.	30,1	47		
	10	30,2	37		
6	8	30,2	36	S	Fair and clear. Cloudy evening.
	2	30,2	57		
	ss.	30,2	52		
	10	30,1	47		
7	8	30,1	49	S	Rain last night. Clou- dy morning.—Fair and clear, P. M.—Cloudy evening.
	2	30,1	60	W	
	ss.	30,1	53	SE	
	10	30,1	51		
8	8	30,1	49	SSW	Cloudy. Rainy even'g.
	2	30	57	S	
	ss.	30	54		
	10	30,1	51		
9	8	30,2	50	N	Clouds and showers.
	2	30,2	46	NNE	
	ss.	30,2	44	NE	
	10	30,2	40		
10	8	30,3	37	NE	Fine mist, A. M.—Rain P. M.
	2	30,2	37	E	
	ss.	30,1	37		
	10	30	37		
11	8	29,8	35	NW	Rainy till near sunset. Afterwards fair.
	2	29,7	37	N	
	ss.	29,7	38	SW	
	10	29,8	37		
12	8	29,7	33	NW	Cloudy.
	2	29,7	39	W	
	ss.	29,7	—		
	10	29,7	34		

Day	Clock.	Barom.	Therm.	Wind.	Weather.
13	8	29,8	27	W	Fair. Some clouds.
	2	29,9	29		
	ss.	29,9	26		
	10	30	19		
14	8	30,1	48	SW	Fair.
	2	30,1	31		
	ss.	30,2	32		
	10	30,3	28		
15	8	30,4	30	N	Fair.
	2	30,3	45	S	
	ss.	30,3	40		
	10	30,2	37		
16	8	30,2	38	S	Fair.
	2	30,1	49	W	
	ss.	30	46		
	10	30,1	39		
17	8	30,1	42	W	Fair.
	2	30,2	57		
	ss.	30,2	50		
	10	30,2	46		
18	8	30	46	SSW	Fair.
	2	29,8	66		
	ss.	29,8	60		
	10	29,6	54		
19	8	30	55	N	Cloudy. Rain last night.
	2	30	45	NE	
	ss.	30,1	45		
	10	30,2	42		
20	8	30,1	41	ENE	Mist.
	2	30	44		
	ss.	29,9	—		
	10	29,8	43		
21	8	29,7	50	SSW	Cloudy—a little rain A.M.—Fair P.M.
	2	29,6	63	W	
	ss.	29,6	55	NW	
	10	29,7	49		
22	8	29,8	32	W	Fair and clear.
	2	29,9	40	NW	
	ss.	30	35		
	10	30,1	29		
23	8	30,2	28	NW	Fair and clear.
	2	30,2	39	NE	
	ss.	30,2	33	ENE	
	10	30,3	27		
24	8	30,3	35	SSW	Fair and clear.
	2	30,2	47		
	ss.	30,2	37		
	10	30,1	33		
25	8	30	37	SW	Fair.
	2	30	59		
	ss.	29,9	56		
	10	29,9	47		